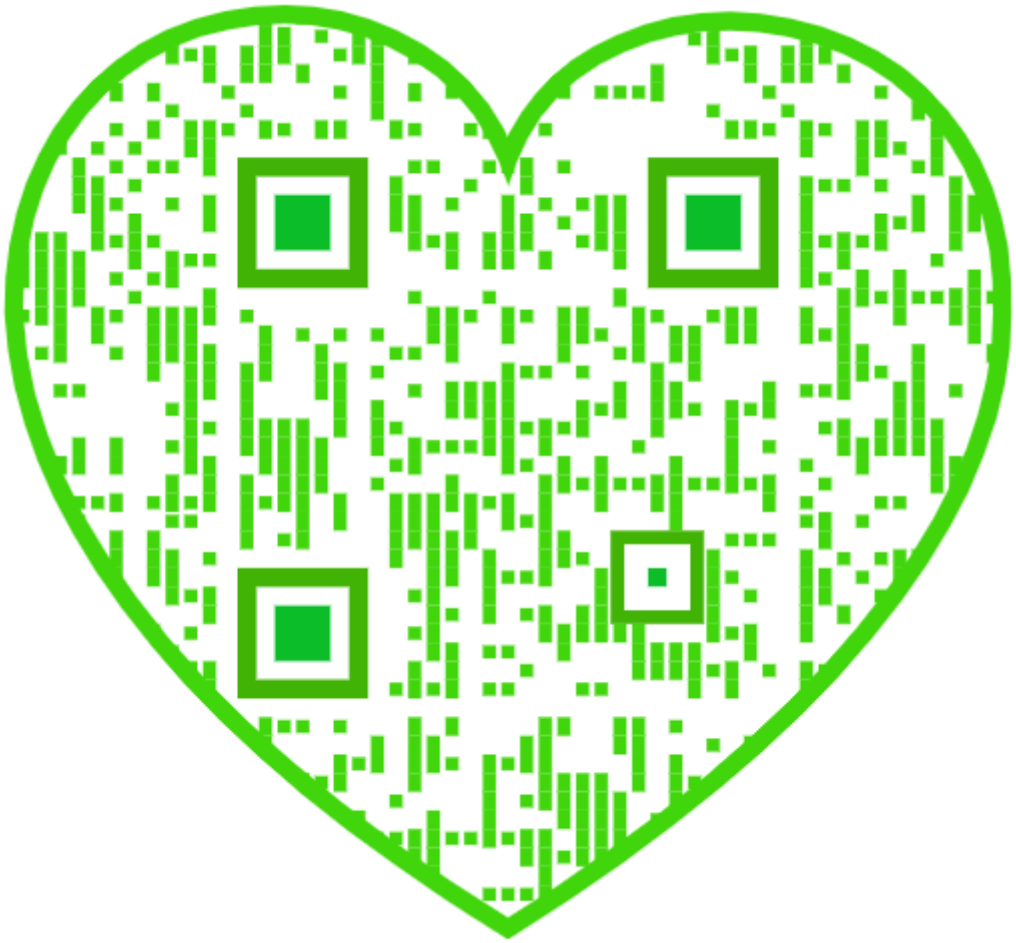

THE

LAW OF FIELD-SPORTS.

A SUMMARY OF

THE RULES OF LAW AFFECTING AMERICAN SPORTSMEN.

BY

GEORGE PUTNAM SMITH.

OF THE NEW YORK BAR.

NEW YORK:
O. JUDD CO., DAVID W. JUDD, PRES'T.
751 BROADWAY.
1886.

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PREFACE.

THE object of this little book is to provide the American sportsman with a succinct statement of the rules of law affecting him in the acquisition of his outfit and in the pursuit of game. As the country becomes more thickly settled and the land is more generally cultivated or inclosed, the liberty which the sportsman has hitherto enjoyed of hunting or fishing where he chose is being restricted, and a knowledge of the legal limits of private land, of the rights of its owner and of the law of trespass, becomes more and more important. As game becomes scarce—both because its haunts are destroyed by the spread of agriculture, and its increase is prevented by the increasing number of sportsmen, the necessity for laws regulating the time and manner of killing or capturing it, becomes more and more apparent. A compilation of the statutes of the several States on this subject will be found in the appendix, and should be carefully read and strictly observed by the sportsman, and to kill game before the season opens or after it closes should be deemed the act of the "pot hunter," who in America occupies the position and deserves more than the obloquy of the poacher in England. The latter has the moral justification that the English laws

concerning land and game are against natural right—they give to land as property attributes which do not properly belong to it, and they have made the pursuit of game the privilege and pleasure of the few, to the burden and detriment of the many. But the pot-hunter has no such justification. He violates the doctrine of fair play. By taking game at times or by means which the statute—which he knows expresses the carefully considered opinion of a large majority of his fellow sportsmen on the subject—has declared to be improper, he steals a march on them and robs them of a fair chance to obtain the game which he has killed, because he chose a time or a means which he knew they would not take.

The acquisition by one or more persons of the exclusive right to take game in certain localities and its maintenance and preservation by them, is becoming a matter of increasing interest to sportsmen in the Atlantic States, who, having no public land within easy reach, and being confronted by the penalties for trespass upon private land, have been forced to procure the opportunity for field sports by contract. The rights of the parties to such contract have not been determined by American courts. Some English decisions on the subject are given in the chapter on Game Laws, and in this connection it may be said that although the English doctrine of property in game, as stated in the fourth chapter of this treatise, probably will not be accepted by American courts, yet if the exclusive right to take game in certain places is lawfully acquired, and if such game is maintained and preserved at the cost and for the pleasure or profit of those who have obtained such exclusive right, the rightful owners will be protected, not only by statutes which impose penalties for entering on posted lands, but, in the absence of such statutes, by increased damages awarded by courts in cases of trespass. In a case in New York, the Court stated the trespasser was, "as

such, liable for the game taken." This was an *obiter dictum*, but it will be directly in point if private shooting or fishing grounds shall be plundered by a trespasser. This treatise being intended for laymen rather than lawyers, a more colloquial style has been adopted than is commonly used in a law book.

CONTENTS.

CHAPTER I.

PAGE

EQUIPMENT..... 13

CHAPTER II.

DOGS..... 19

CHAPTER III.

TRESPASS..... 33

CHAPTER IV.

PROPERTY IN GAME..... 51

CHAPTER V.

GAME LAWS..... 58

CHAPTER VI.

FISH AND GAME CLUBS..... 68

APPENDIX, GAME LAWS OF

Alabama..... 75
Arkansas..... 76
California..... 77
Colorado..... 78
Connecticut..... 79
Dakota..... 80
Delaware..... 81

APPENDIX, GAME LAWS OF PAGE
District of Columbia 82
Florida 83
Georgia 84
Idaho 86
Illinois 86
Indiana 87
Iowa 88
Kansas 88
Kentucky 89
Louisiana 91
Maine 92
Maryland 95
Massachusetts 101
Michigan 102
Minnesota 103
Mississippi 104
Missouri 104
Montana 105
Nebraska 106
Nevada 106
New Hampshire 107
New Jersey 108
New Mexico 110
New York 110
North Carolina 113
Ohio 115
Oregon 116
Pennsylvania 116
Rhode Island 118
South Carolina 119
Tennessee 119
Texas 121
Utah 122
Vermont 123
Virginia 124
Washington Territory 126
West Virginia 126
Wisconsin 127
Wyoming 128

TABLE OF CASES CITED.

A

PAGE

Adams *v.* Hall..... 24
Adams *v.* Pease..... 39, 42
Adams *v.* Rivers..... 40
Aldrich *v.* Wright..... 62
Allen *v.* Thompson..... 67
Allen *v.* Wyckoff..... 62
Amory *v.* Flyn..... 55
Athill *v.* Corbert..... 46
Austin *v.* R. R. Co..... 40

B

Baker *v.* Berkeley..... 48
Balford *v.* Flowers..... 17
Banks *v.* Ogden..... 39
Barney *v.* Keokuk..... 40
Bellows *v.* Elmendorf..... 63
Bird *v.* Great Eastern R... 70
Bird *v.* Holbrook..... 45
Bird *v.* Higginson..... 38, 69
Birkbeck *v.* Paget..... 69
Bishop *v.* Fahay..... 31
Blackman *v.* Simmons.... 46
Blair *v.* Forehand..... 31
Blades *v.* Higgs..... 51, 52
Bluoett *v.* Tregonning.... 35
Booth *v.* Terrill..... 18
Bost *v.* Mingues..... 23
Boyd *v.* Rikes..... 38
Brent *v.* Kimball..... 22
Brill *v.* Flagler..... 20

PAGE

Bristow *v.* Cormica..... 43
Broughton *v.* Singleton... 34
Brown *v.* Carpenter..... 21
Brush *v.* Miller..... 18
Buddington *v.* Shearer.... 24
Burnham *v.* Webster..... 60
Bush *v.* Brainard..... 28
Buster *v.* Newkirk..... 55

C

Cautling *v.* Han. & S. J.R.. 30
Carrington *v.* Taylor..... 57
Carter *v.* Dow..... 30
Cattell *v.* Ireson..... 65
Chase *v.* Corcoran..... 13
Chunot *v.* Larson..... 22
Churchward *v.* Studdy.. 52, 55
Clark *v.* Webster..... 24
Cobb *v.* Bennett..... 42
Cobb *v.* Davenport. 35, 36, 39, 42
Cockerham *v.* Nixon..... 21
Cole *v.* Fisher..... 18
Commissioners *v.* Kendall. 39
Commonwealth *v.* Hall... 64
Commonwealth *v.* Vincent. 60
Coney's Case 54
Cooper, *Ex parte*..... 31
Corfield *v.* Coryell 60, 61
Corner *v.* Champneys..... 27
Cortelyou *v.* Van Brundt. 43

PAGE

Cozzens *v.* Nason..... 31
Cummins *v.* Wood..... 16

D

Davis *v.* McNair..... 64
Deane *v.* Clayton..... 52
Dearth *v.* Baker..... 28
Deerfield *v.* Adams..... 39
Dodson *v.* Mock..... 21
Dunham *v.* Lamphere..... 61
Dunham *v.* Williams..... 39
Duke of Somerset *v.* Frogwell..... 38

E

Edwards *v.* Engleton..... 46
Ex parte Cooper..... 31

F

French *v.* Owen..... 38
Fripp *v.* Hassell..... 34
Frogley *v.* Earl of Lovelace 39, 73
Furman *v.* The Mayor.... 40
Fleming *v.* Orr..... 19

G

Gearns *v.* Baker..... 71
Gentile *v.* The State..... 60
Giffert *v.* West..... 15
Gould *v.* James..... 43
Gray *v.* Combs..... 45
Goff *v.* Kilts..... 34

H

Hart *v.* The State..... 60
Hartford *v.* Jackson..... 17
Haney *v.* Compton..... 61
Hooker *v.* Cummings..... 42
Hooker *v.* Miller..... 45

PAGE

Hickok *v.* Buck..... 17
Hiesrodt *v.* Hackett..... 31
Hill *v.* Walker..... 48
Hilton *v.* Green..... 70
Holyoke *v.* Lyman..... 43

I

Ibbottson *v.* Peat..... 56
Ieck *v.* Anderson..... 48
Illiott *v.* Wilkes..44, 45, 46, 54
Inhabitants *v.* Stoddard. 33, 40

J

Jeffreys *v.* Evans..... 72
Johnson *v.* Patterson..... 45
Jordan *v.* Crump..... 28
Jordan *v.* Gibbon..... 58

K

Keely *v.* Tilton..... 20
Keightlinger *v.* Egan..... 21
Kenyon *v.* Hart..... 65
Kerr *v.* Seever..... 31
King *v.* Kline..... 21, 22

L

Leatt *v.* Vine..... 35
Ledyard *v.* Ten Eyck..... 39
Leonard *v.* Wilkins..... 24
Line *v.* Taylor..... 24
Lonsdale *v.* Rigg..... 52
Loome *v.* Baily..... 63, 66
Loomis *v.* Terry..... 45
Lowrey *v.* Rainwater..... 48
Lucas *v.* Trumbull..... 17
Lunt *v.* Hunter..... 60

M

	PAGE
Magner *v.* The People..60, 61, 64, 65, 68	
Major *v.* Pullian.....	47
Mayor *v.* Meigs.....	31
Marsh *v.* Burt.....	39
Marsh *v.* Colby.....	34
Mayhew *v.* Wardley.....	40
McConnico *v.* Singleton...	34
McCready *v.* Virginia.....	61
McFarland *v.* Essex Co...	37
McMannus *v.* Lee.....	49
Meibus *v.* Dodge.....	21
Melvin *v.* Whiting.....	37
Merest *v.* Harvey.....	47
Mitchell *v.* Williams.....	31
Molton *v.* Cheeseley.....	67
Moore *v.* Earl of Plymouth	38
Morden *v.* Porter.....	66
Morey *v.* Brown..... 30,	31
Morris *v.* Nugent..... 21,	24
Mumford *v.* Whitney.....	39
Munn *v.* Reed.....	21
Mynard *v.* Syracuse, B. & N. Y. R. R. Co	29

N

Nickerson *v.* Brackett....	37

O

Orser *v.* Storms.....	18
Osbond *v.* Meadows.....	65

P

Palmer *v.* Mulligan.....	39
Parrott *v.* Hartsfield.....	24
Partenheimer *v.* Van Order	24
Pattison *v.* Gilford.....	71
Paul *v.* Hazleton.....	43
Paul *v.* Sommerhayes.....	33
Peck *v.* Lockwood.....	43
Penny *v.* Correll.....	24
Perry *v.* Phipps.....	21
Phelps *v.* Racey..60, 63, 65,	66
Pickering *v.* Noyes.....	59
Pickering *v.* Rudd.....	33
Pierson *v.* Post..... 35,	56
Pient *v.* Miller.....	45
Plumley *v.* Birge.....	21
Pratt *v.* Baker.....	63
Protheroe *v.* Matthews....	23
Putnam *v.* Wiley.....	18

R

Reg. *v.* Alsopp.....	41
Reg. *v.* Pratt.....	40
Rex *v.* Glover.....	66
Rex *v.* Thurlston.....	69
Rex *v.* Turner.....	58
Reynolds *v.* Edwards.....	47
Richardson *v.* N. E. Ry. Co.	29
Rider *v.* White.....	46
Roberts *v.* Wyatt...	17
Robinson *v.* Vaughton....	48
Rockwell *v.* Nearing.....	48
Rogers *v.* Jones.....	43
Russell *v.* Tomlinson.....	24

S

Sampson *v.* Burnside.....	38
Sarch *v.* Blackburn.....	27
Sanders *v.* Teape.....	22
Scribner *v.* Kelley.....	20
Seaman *v.* Smith.....	40
Sellon *v.* Berkeley.....	65
Simpson *v.* The State.....	45
Simpson *v.* Univin.....	66
Slaughter-house Cases....	61
Smith *v.* Maryland.....	61
Stacey *v.* Whitehouse.....	48

	PAGE
Stafford *v.* Ingersoll	22
State *v.* Davis	40
State *v.* Gilmartin	40
State *v.* House	55
State *v.* Medbury	61
State *v.* Moore	45
State *v.* Nortan	60
State *v.* Randolph	64
State *v.* Roberts	60
State *v.* Saunders	65
State *v.* Shannon	41
Stuart *v.* Crawley	29
Sutton *v.* Moody	52
Sweeney *v.* R. R. Co.	44
T	
Townsend *v.* Wathen	28
Trustees *v.* Strong	43
U	
Underwood *v.* Hewson	18
V	
Van Leuven *v.* Lyke	22
Van Steenburgh *v.* Tobias	24
Van Wyck *v.* Allen	15
Vere *v.* Lord Cawdor	46
Vrooman *v.* Lawyer	28
W	
Waters *v.* Lilley	34
Watkins *v.* Price	67
Webber *v.* Lee	38
Weston *v.* Sampson	43
Wheeler *v.* Brant	27
Wheeler *v.* Spinola	40
Whittaker *v.* Burhans	43
Wickham *v.* Hawker	38
Wiley *v.* Slater	25
Woolf *v.* Chalker	20
Wormley *v.* Gregg	28
Worth *v.* Gilling	20
Wright *v.* Clark	31
Y	
Young *v.* Hichens	56

THE LAW OF FIELD-SPORTS.

CHAPTER I.

EQUIPMENT.

SEC. 1. The sportsman can lawfully procure his equipment, which term is meant to include all the things animate and inanimate which he needs or wishes to aid him in the pursuit of game, by one or more of four methods. Gift, purchase, hire, or borrowing. The rights, duties, and liabilities belonging to each of these will briefly be considered in this chapter.

Possession by gift confers on the donee all the right in the thing given that the giver had or may thereafter acquire. As no one can give that which he does not own, the holder of property unlawfully given is subject to be dispossessed by the real owner. In such event the innocent holder of the property could claim from the owner payment of any difference there might be between the fair value of the use he had made of the property and the expense which he had been at for its necessary care and maintenance.[1]

Possession by purchase contemplates a completed contract wherein the buyer has done his part by paying for the property, and the seller has delivered the property to the buyer. But both before and after these are done,

[1] Chase *v.* Corcoran, 106 Mass. 286.

certain matters of difference may arise between the parties, which demand consideration.

SEC. 2. The form of the contract, as the equipment is personal property, is affected by the English Statute of Frauds, which, with some modifications, has been re-enacted by the several States; under which statute to make a valid sale of personal property exceeding in value a certain sum,[1] there must be either an actual delivery to the purchaser of the whole or part of the property, or a giving by him of something to bind the bargain or payment of at least part of the contract price, or a memorandum of the sale, signed by the seller or his authorized agent, must be given to the buyer.

SEC. 3. A warranty may be either expressed or implied. An express warranty may be written or verbal. It may be general or special. It may be made at any time before the sale is completed, and in such case needs no other consideration. It does not cover such defects as were known to the buyer or which he could have discovered by a casual inspection of the property.[2]

Words of opinion or description do not constitute a warranty. While this general rule is admitted, the various courts have given contradictory decisions as to what may be deemed opinion or description as opposed to a statement of fact constituting a warranty. The earlier

[1] This sum is $50 in the States of Colorado, Connecticut, Georgia, Indiana, Maine, Massachusetts, Minnesota, Mississippi, Michigan, Nebraska, New York, Oregon, South Carolina, and Wisconsin; $20 in the State of Pennsylvania; $30 in the States of Arkansas, Missouri, and New Jersey; $33 in New Hampshire; $40 in Vermont; $100 in Arizona; $200 in Alabama and California; and in Louisiana, under the code, a verbal contract amounting to over $500 must be proved by at least one credible witness and corroborating circumstances.

[2] But if the buyer relying on the warranty neglect to examine the property, the seller has been held liable. Story on Sales, section 354.

decisions were in favor of the seller, and the rule that the buyer must beware was rigidly enforced. But the tendency of the later decisions is to hold the seller to strict account for the statements he makes during the course of the dealing resulting in the sale.

SEC. 4. Implied warranties are such, as, in the absence of any statements in reference thereto by the seller, the law attaches to the sale. These are:

First. A warranty that, if the seller is in possession of the property at time of sale, it is his and that he has a right to sell it.[1]

Second. That property which the buyer has had no opportunity to examine is of merchantable quality.

Third. That, if the sale is by sample, the property sold corresponds thereto.

Fourth. That the property is free from latent defects known to the seller.

Fifth. That an article sold for a special purpose known to the seller, and bought in reliance on his skill and judgment to furnish what was wanted, is fit for that purpose.[2]

SEC. 5. The measure of damages for breach of warranty in sale of a chattel is the difference between its actual value and what its value would have been had it been as warranted. To which may be added in proper cases the reasonable expenses incurred by the purchaser in consequence of such breach.[3]

SEC. 6. By the contract of letting and hiring, the lessor agrees to deliver the property to the hirer; to

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[1] This does not apply to an auctioneer or pawnbroker, nor to one who sells in an official capacity. A purchaser from one who has no right to sell acquires no title to the property as against the real owner. 8 Cow. 288; 66 Maine, 229; 5 Ohio, 203; 52 N. H. 158.

[2] Van Wyck *v.* Allen, 69 N. Y. 61.

[3] Giffert *v.* West, 33 Wis. 617.

abstain from any interference with its use by him during the term; he also warrants his own title to and right to let the property, and that the hirer shall possess it during the term free from any lawful interference under hostile claim of title.[1] And he also warrants the property to be free from any latent defect or fault that would prevent or impair its proper use for the purpose for which it was hired.[2]

SEC. 7. The hirer agrees to use the property during the term with that amount of care which prudent persons usually display in the management of their own property of a similar character; to return it to the lessor at the close of the term in as good condition as the reasonable use and wear thereof will permit,[3] and to pay the agreed compensation therefor.

The hirer must pay for the ordinary expenses for keeping the property, but extraordinary expenses, that is, those not caused by the want of ordinary care on the part of the hirer, must be borne by the lessor.[4]

The hirer, as between hirer and lessor, is responsible for the negligence of his servants,[5] but not for their malicious or fraudulent acts, unless he has not taken the ordinary precaution to secure capable and honest ser-

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[1] The warranty of title and of the peaceable possession by the hirer is only against legal claims of third persons. The hirer must protect himself against wrongful acts of third persons. Story on Bailments, sec. 387.

[2] As to warranty of quality, see sec. 1, *ante*.

[3] If lost or destroyed by accident and without the fault of the hirer, he is not responsible therefor. Story on Bailments, sec. 408.

[4] The burden of proof to establish negligence on the hirer's part is on the lessor. The mere fact of the accident does not raise the presumption of negligence. It has been held that where the hirer refuses to give any explanation of the cause of the loss or damage, the law presumes his negligence. Brush *v.* Miller, 13 Barb. 482; Cummins *v.* Wood, 44 Ill. 416.

[5] Story on Bailments, sec. 400.

vants, or has been less careful of the hired property than his own.[1]

If the hirer injure the property or apply it to any use other than that for which it was hired, he will not only be responsible for any damage that may occur,[2] but the lessor may sue him for conversion of the property, or may take it if he can do so without a breach of the peace.[3]

The hirer has, during his term, a right to the possession and use of the property, and may maintain an action against the lessor [4] or a third person for its loss or injury.

A creditor of the owner cannot levy upon and take away the property from the hirer.

SEC. 8. *Hire of Services.*—A person undertaking to perform any work requiring the exercise of skill as well as care warrants his own competence. "It is the party's own fault if he undertakes without sufficient skill, or if he applies less than the occasion requires. And it has been well observed that where a person is employed in a work of skill the employer buys both his labor and his judgment. He ought not to undertake the work if he cannot succeed, and he should know whether he can or not." [5] But this rule is subject to certain limitations.

The degree of skill which the employee warrants himself to possess is simply the ordinary skill required by or displayed in the business. Again, if the employee makes no pretension to possess the requisite skill or experience, and the employer, knowing his incompe-

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[1] Story on Bailments, sec. 407.

[2] Lucas *v.* Trumbull, 15 Gray, 306.

[3] Story on Bailments, sec. 396.

[4] Hichock *v.* Buck, 22 Vert. 149; Balford *v.* Flowers, 11 Humph. 242; Roberts *v.* Wyatt, 2 Taunt. 268; Hartford *v.* Jackson, 11 N. H. 145.

[5] Story on Bailments, sec. 431.

tency, chooses to put him to work, he must take the consequences. And again, if the employer chooses to overrule or to act without calling for the judgment of the employee in regard to the work, he assumes the responsibility therefor.

SEC. 9. The borrower of property differs from the hirer, in that the right to hold or use the property, even though lent to him for a stated period, may be terminated at any time the lender chooses.[1] He can use the property only for the purposes agreed on or assented to by the lender.[2] He must not permit any one but himself to use it without the express consent of the lender, and he will be liable for damages caused by slight negligence.

SEC. 10. The sportsman, having obtained his outfit, can use it in any way that does not injure others. If in uncocking his gun he shoots a bystander,[3] or if he frightens a horse by firing near a road,[4] he will be liable for the damage.

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[1] Booth *v.* Terrill, 16 Ga. 20; Orser *v.* Storms, 9 Cow. 387; Putnam *v.* Wiley, 8 Johns. 432.

[2] Story on Bailments, sec. 232, *et seq.*

[3] Underwood *v.* Howson, 1 Strange, 596.

[4] Cole *v.* Fisher, 11 Mass. 137.

CHAPTER II.

DOGS.

SEC. 1. One of the most important, and decidedly the most interesting article in the sportsman's equipment is his dog. This animal has been the cause of many law suits, and the earlier decisions, delivered before the days of kennel clubs, bench shows, and field trials, assigned to him a far lower position than he now occupies.

That a dog was entitled to be classed as "property" has been denied by courts in England and America. And it has also been adjudged that if a dog could be deemed property, it was only in a restricted sense, which made the owner liable for his misdeeds, while it denied to him and his dog the protection granted to other kinds of property; and the statutes of several of the United States passed to prevent cruelty to animals did not mention dogs among the animals protected thereby.

But the day when a man could safely "give a dog a bad name and hang him" is over. If a dog is killed or stolen, his owner can claim from the law punishment of and recompense from the offender, and the dog himself can stand upon his record and plead previous good character in mitigation of an offence he may be charged with. And even his natural "delight to bark and bite" cannot be said to condemn him, for a chief justice of England has declared,[1] and his opinion was lately cited with approval by a New York Court, that "every dog

[1] Fleming *v.* Orr, 2 Macq. 14, 25.

is entitled to one worry" before being put upon probation as to whether he is a nuisance.[1]

The sportsman's dog is now considered in law as his property; to be acquired by the same means as other personal property; to be held by him, subject to the restriction affecting the ownership of all property, that it should not be used as, or permitted to be, a cause of injury to another; and, if properly acquired and used, to be entitled to the protection of the law.

SEC. 2. Dogs will bark; but they must do so with moderation and discretion. If a dog frequents a stranger's premises, and there makes night hideous by barking and howling, he may be killed as a nuisance.[2]

SEC. 3. Dogs will bite, and they may do so, not only with impunity, but with commendation, in defence of their master or his property; but if they indulge their propensity on other occasions, they may bring their master or keeper into court to answer for it; in which case his liability will depend upon why the dog did the injury; who or what was injured, and how, when and where it was done.

SEC. 4. A savage dog is a possession which demands from its owner extraordinary care. Knowing, or being in law presumed to know, the dangerous nature of the property he has in charge, the owner will be held liable for all damage, direct or indirect, which may be caused by such property. "Eternal vigilance is the price of liberty" to keep a vicious dog.[3] Even if it has never bitten any one, its owner will be liable if it ever does so.[4] It has, however, been held that the fact that a dog is known to be savage, and that it has attacked animals,

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[1] N. Y. City Court, Dec., 1885.

[2] Brill *v.* Flagler, 23 Wend. 354; Woolf *v.* Chalker, 31 Conn. 121

[3] Kelly *v.* Tilton, 3 Keyes, 263; Scribner *v.* Kelley, 38 Barb. 14.

[4] Worth *v.* Gilling, L. R., 2 C. P. 1.

is not enough to make its owner liable to a man who is bitten by it, unless he can show that such owner had knowledge of the dog's propensity to bite men.[1]

SEC. 5. A ferocious dog, accustomed to bite mankind, is a nuisance; and, if found at large, may be killed by any one. Knowledge by its owner of his disposition need not be proved.[2] But it must not be killed on its owner's premises, unless about to attack some one.[3] But whether a dog is ferocious is a question of fact, and it has been held that proof that a dog had stolen an egg, had jumped at a horseman, had snapped at a man's heel, and was suspected of having worried a sheep some years before, did not make it an outlaw.[4]

SEC. 6. A dog not naturally savage will sometimes bite, and in such cases his owner's liability will depend on the facts of the case. If the dog, "to gain some private ends," has chosen to bite an unoffending man or beast, his owner must pay for it; but if a person will not "let a sleeping dog lie," or otherwise teases or provokes the animal and is bitten therefor, the dog's owner may invoke the doctrine of contributory negligence.[5]

SEC. 7. A well-trained and good-natured dog may cause injury to persons or property; should he do so

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[1] Keightlinger *v.* Egan, 65 Ill. 235; Cockerham *v.* Nixon, 11 Iredell, 269.

[2] Brown *v.* Carpenter, 26 Vert. 638; King *v.* Kline, 6 Pa. St. 318; Woolf *v.* Chalker, 31 Conn. 121.

[3] Perry *v.* Phipps, 10 Iredell, 262.

[4] Dodson *v.* Mock, 4 Dev. & Batt. 146; see also Morris *v.* Nugent, 7 Ca. & Payne, 572.

[5] Keightlinger *v.* Egan, 65 Ill. 235.

A child, in playing with a dog, is bound to exercise such amount of prudence as is usual of children of his age. Plumley *v.* Birge, 124 Mass. 57; Munn *v.* Reed, 4 Allen, 431; Meibus *v.* Dodge, 38 Wis. 300.

under direction of his master, the latter will of course be responsible. But a gentle dog may sometimes fall from grace, and start out on his own accord to have what he deems "a good time," and in accomplishing it he may both do injury and be himself injured.

If a dog, while trespassing, does an injury, its owner is liable, although he had no previous knowledge of its mischievous propensity; and if, while ranging out of sight or control of its master, it attacks any one or anything, or is damaging property, it may be wounded or even killed.[2] The right to wound or kill it will depend

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[1] Van Leuven *v.* Lyke, 1 N. Y. 515.

But a distinction is made between such injuries as are due to the dog's savageness and such as he may cause by accident. In a recent case in England the plaintiff, a laborer, was digging a hole in a garden adjoining defendants'. The hole was about ten feet deep, and was near a low wall dividing the gardens. Defendants' three dogs were playing about in the garden, and one of them—a large Newfoundland—sprang over this wall and fell into the hole, thereby injuring plaintiff. In the County Court judgment was ordered for the defendants, and an appeal to the Queen's Bench was dismissed, Lord Coleridge, C. J., saying that the action was "quite preposterous," and Williams, J., saying: "If a man keeps horses or other animals, he is bound to keep them on his own ground; if he does not, he may be liable to an action of trespass. There is exception to this when they are on a public highway, as they have a right to be there, and then the owner is bound to use ordinary care. But in the case of dogs, pigeons, and the like, the case is different: if a dog, not being exceptionally mischievous, acting in playfulness, goes over another man's land, there is no trespass, and the owner of the dog would not be liable. Here, so far as the defendants are concerned, the occurrence was purely accidental and involuntary, and no action lies against them in respect thereof, either as for trespass or for any breach of duty." Sanders *v.* Teape, 51 L. T. 263.

[2] Stafford *v.* Ingersoll, 3 Hill, 38; King *v.* Kline, 6 Pa. St. 318.

But it cannot be lawfully killed for a theft committed during a former trespass. Brent *v.* Kimball, 60 Ill. 211.

on the facts of each case,[1] and also on the dog's reputation.

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[1] Chunot *v.* Larson, 43 Wis. 536.

Thus, where a dog had been shot while chasing a deer in a private park, the ruling was: "It is not essential that the dog should have been at that very moment engaged in chasing the deer. It is sufficient that the chasing of the deer and the killing of the dog were all one and the same transaction. If you think that the dog was hunting and chasing the deer, and that the defendant shot it to prevent that, the defendant is entitled to a verdict. If you think that, before and at the time of the shooting, the dog was chasing the deer, the defendant is entitled to a verdict; but if you think that the chasing was at an end, and that the dog would not have recommenced, you ought to give a verdict for plaintiff." Protheroe *v.* Matthews, 5 C. & P. 581.

And in North Carolina, where a man was sued for shooting a hog which had been damaging his property, the Court stated: "The defendant had no right to kill the hog for what he had already done—that were to take vengeance; nor had he a right to kill him to prevent anticipated mischief, for that might never happen." Bost *v.* Mingues, 64 N. C. 44.

In an Illinois case the plaintiff owned a tame buffalo bull. In May the defendant complained to him of the annoyance the buffalo bull caused him, and plaintiff said, in a heat, "Go and shoot him if you want to." In September defendant found the buffalo trespassing on his land, and shot him. The permission given in May was held not to be an excuse for the act, and judgment was rendered against defendant.

Aside from any question of license, this seems unjust to defendant. Connection between a buffalo bull and a domestic cow is said to cause death to the latter, as it cannot bring forth the calf.

Plaintiff left his buffalo bull unconfined, and it often trespassed on defendant's land and approached his cows. Defendant had remonstrated with plaintiff, who refused to tie up the buffalo, telling defendant to get a bull to keep off the buffalo, and on one occasion adding, in response to defendant's threat to shoot the buffalo, "Go and shoot him if you like." Thereafter defendant, seeing the buffalo about to cover one of his cows, shot him, and thus saved the life of the cow.

The rule of law which justifies the killing of a dog who worries

SEC. 8. If several dogs jointly do injury to property, the owner of each of them will be liable only for the damage which it can be proved was done by his own dog.[1] But in the absence of such proof the law will infer that each dog did an equal amount.[2]

SEC. 9. If two or more dogs fall out and settle their differences by a fight, they and their respective owners must generally accept the consequences. In a New York case wherein a dog had been killed in battle, and its owner had recovered judgment in a Justice's Court,

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sheep or kills fowls would seem to have been a defence in this case.

If a dog is attacking fowls on a man's land, he may kill him, although he don't own the fowls. Leonard *v.* Wilkins, 9 Johns. 233.

Witnesses can testify as to the general character of the dog. Clark *v.* Webster, 1 C. & P. 104.

The dog may be brought into court and shown to the jury. Line *v.* Taylor, 3 F. & F. 731.

Where a dog had worried sheep, and had thereafter entered a man's land and seemed disposed to chase the sheep there: *Held*, that the sheep-owner might shoot him, without waiting till he was in the very act of worrying the sheep. Parrot *v.* Hartsfield, 4 Dev. & Batt. 110.

But, in any case, it would seem that the rule restricting the force employed towards men as trespassers should also apply to dogs; and that if a dog, theretofore known to be peaceable, should chase fowls or animals, and a stone or a stick was at hand which might be used to stop him, shooting would be unjustifiable.

In an English case, it appeared that as defendant was passing plaintiff's house, the latter's dog, which was of a mischievous disposition and had bitten people, ran out and bit defendant's gaiter, but on his turning around and raising his gun the dog ran off. When he was about five yards away, defendant shot him. He was held liable therefor. Morris *v.* Nugent, 7 C. & P. 572.

[1] Buddington *v.* Shearer, 20 Pick. 477; Russell *v.* Tomlinson, 2 Conn. 266; Adams *v.* Hall, 2 Vt. 9; Penny *v.* Correll, 9 Ind. 72; Van Steenburgh *v.* Tobias, 17 Wend. 562.

[2] Partenheimer *v.* Van Order, 20 Barb. 479.

the Supreme Court reversed the judgment.[1] Judge Allen, who delivered the opinion, declared the law of a dog fight as follows:

"I am glad to know that no nice questions upon the conduct of the conflict on the part of the principal actors arise in this case. It is not claimed upon either side that the struggle was not in all respects dog-like and fair. Indeed I was not before aware that it was claimed that any law, human or divine, moral or ceremonial, common or statute, undertook to regulate and control these matters, but supposed that this was one of the few privileges which this class of animals still retained in the domesticated state; that it was one of their reserved rights, not surrendered when they entered into and became part of the domestic institution, to settle and avenge in their own way all individual wrongs and insults, without regard to what Blackstone or any other jurist might write, speak, or think of the 'rights of persons' or 'rights of things.' . . .

"The defence is not rested upon the principle of self-defence, or defence of the possession of the master of the victorious dog. Had this defence been interposed a serious and novel question would have arisen as to the liability of the offending dog for excess of force, and whether he would be held to the same rules which are applied to human beings in like cases offending; whether he would be held strictly to the proof of the necessity and reasonableness of all the force exerted under the plea that in defence of his carcass or the premises committed to his watch and care 'he did necessarily a little bite, scratch, wound, tear, devour, and kill the plaintiff's dog, doing no unnecessary damage to the body or hide of the said dog.' . . .

"There is no evidence that the dog alleged to be-

[1] Wiley *v.* Slater, 22 Barb. 506.

long to the defendant was a dangerous animal, or one unfit to be kept. The cases cited, in which dogs have attacked human beings, although trespassers, and the owners have been held liable, are not applicable. It is one thing for a dog to be dangerous to human life, and quite another to be unwilling to have strange dogs upon the master's premises. To attack and drive off dogs suffered to go at large, to the annoyance if not to the detriment and danger of the public, would be a virtue, and that is all that can be claimed upon the evidence, as done in this case. Owners of valuable dogs should take care of them proportioned to their value, and keep them within their own precincts, or under their own eye. It is very proper to invest dogs with some discretion while upon their master's premises in regard to other dogs, while it is palpably wrong to allow a man to keep a dog who may, or will, under any circumstances, of his own volition, attack a human being. If owners of dogs, whether valuable or not, suffer them to visit others of their species, particularly if they go uninvited, they must be content to have them put up with dog fare, and that their reception and treatment should be hospitable or inhospitable, according to the nature or the particular mood and temper at the time of the dog visited. The courtesies and hospitalities of dog life cannot well be regulated by the judicial tribunals of the land. . . .

"I can, however, see no just grounds for the judgment. It can only be supported upon the broad ground that, when two dogs fight and one is killed, the owner can have satisfaction for his loss from the owner of the victorious dog; and I know of no such rule. The owner of the dead dog would, I think, be very clearly entitled to the skin, although some, less liberal, would be disposed to award it as a trophy to the victor; and this rule would ordinarily be a full equiva-

lent for the loss; and with that, unless the evidence differ materially from that in this case, he should be content."[1]

But in this, as in other matters, reputation counts with a dog, and if the victim is known to be of peaceable character, and the victor to be savage, these facts can be taken into consideration in determining the owner's liability.[2]

SEC. 10. If a dog commits a trespass he can be punished therefor; but, as in the case of trespasses by human beings, the land-owner is bound "to make the punishment fit the crime;" and he cannot shoot the animal, nor scatter poisoned meat about his grounds, nor provide an array of traps or spikes or pitfalls to wound or kill the trespassing dog. And the fact that he may have posted up notice of the danger is not sufficient, for the most intelligent dog can hardly be expected to understand the notice[3] or detect the harmful qualities of poisoned meat. In 1817 Deane brought suit in the Court of Common Pleas in England against Clayton[4] for the loss of a pointer. It was shown that defendant owned a wood separated from an adjoining

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[1] In another part of this opinion a somewhat mysterious allusion is made to the circumstance that the victor was "a white dog with black spots on his head." But the rule of law will undoubtedly apply in favor of a red, black, or even a yellow dog.

[2] Wheeler *v.* Brant, 23 Barb. 324.

[3] Corner *v.* Champneys, 2 Marsh (Eng.), 584. The fact that a *man* could not read a notice "beware of the dog" was taken into consideration by an English court. Sarch *v.* Blackburn, 4 Car. & P. 297.

[4] 7 Taunt. 489. The report of the case does not state whether the defendant's counsel argued that a "valuable pointer dog" does not, despite the efforts of his master to stop him, chase a hare, so that we are left in ignorance, so far as this case is concerned, as to the characteristics of valuable pointer dogs at that time in England.

wood by a low bank and shallow ditch passable by dogs. To protect the hares in his wood from dogs and foxes defendant had fastened sharp spikes in the trees along the hare paths, high enough from the ground to allow hares to pass safely, but which would injure a dog or a fox. Notices were posted on the outskirts of the wood that steel-traps, spring-guns, and dog-spikes were set therein.

Plaintiff was hunting in the wood adjoining defendant's. He had with him a valuable pointer dog. A hare was started, and, being chased by the dog, ran into defendant's wood, and was, despite the efforts of his master, followed by the dog, which there ran against the spikes and was killed.

The case was twice argued by eminent counsel, and elaborate opinions were delivered by the four judges, who were equally divided as to whether the action was maintainable. No judgment was entered, as the case was settled between the parties.

If a trespassing dog is injured without the participation of the land-owner, the latter is not responsible.[1]

But if the land-owner entice the dog onto his land he will be liable for consequent injuries to him. Thus, where a man sets traps on his land baited with strong-scented meats to attract dogs, and caused pieces of meat to be trailed along the ground leading to the traps, he was held liable for injury to a dog who was caught in one of the traps.[2]

SEC. 11. The general rule is that the owner of a domestic animal is not liable for injury done by it unless he had notice of its mischievous propensity, or the injury occurred through some negligence on his part;[3] but

[1] Bush *v.* Brainard, 1 Cow. 78.

[2] Townsend *v.* Wathen, 9 East, 277. See Jordan *v.* Crump, 8 Mees. & W. 782.

[3] Vrooman *v.* Lawyer, 13 Johns, 339; Dearth *v.* Baker, 22 Wis. 73; Wormley *v.* Gregg, 65 Ill. 251.

this rule has, in some States, been changed by statute, and the owner is liable, even although he was ignorant of the animal's disposition. By statute also the right to keep a dog one's self, and to kill one belonging to another, has been regulated.[1]

SEC. 12. If a dog is injured by a locomotive, or other vehicle, the liability of the railroad company, or vehicle-owner, is determined by the doctrine of contributory negligence.[2]

SEC. 13. If the dog is injured while being carried on a train the company will have to pay for it. Whether railroads are common carriers of animals generally has been both affirmed and denied by courts, and even when they have been declared such they are held to be not liable for injures resulting from the inherent qualities of the animal.[3] But it may be questioned whether a setter, pointer, or hound going with or sent by or to his master, placed, not in a cattle train, but in the baggage

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[1] Cooley on Torts, p. 347, gives the several statutes on this subject.

[2] "When the owner of the animals is unable to show that as against the railway, they were properly on the track, or, in other words, that it was through the fault of the railway company that they were enabled to come upon the road, the company are not in general liable unless after they discovered the animals they might, by the exercise of care and prudence, have prevented the injury." 1 Redfield on Railways, 464, sec. 126.

In some States the fact of the injury is by statute made *prima facie* evidence of carelessness by the railroad company. But the general rule is as stated.

[3] Mynard *v.* Syracuse B. & N. Y. R. R. Co., 71 N. Y. 180. An inherent quality of a dog against which the carrier must guard is the disposition to run away. Stuart *v.* Crawley, 2 Stark. 287. But where a railroad is not a common carrier of dogs, and fastens one which is given it for carriage with a collar and strap furnished for that purpose by its owner, the company is not liable if the dog slips his collar and escapes. Richardson *v.* N. E. Ry. Co., L. R. 7 C. P. 75.

car of a passenger train, is not a special baggage accepted by the railroad company as an inducement for his master to take passage on their cars, or as a source of income to the company or its servants. The railroad company having received the dog on a passenger train, it becomes beyond a doubt entitled to suitable accommodation and to full protection; and this is true whether or not a charge is made for carrying the dog. The restricted liability of railroads to passengers traveling on a "free pass" does not apply, not only because the dog which is the passenger has not assented to the limited contract, but because his master, by paying for his own passage, thereby pays for the dog which accompanies him.

A Missouri sportsman returning from a hunting trip had with him his setter dog, which he took into a passenger car, but was told by the baggage master that the dog must be put into the baggage car, and he thereupon did so. Notices had been posted up in the various railroad stations on defendant's line stating that "live animals are allowed as baggage master's perquisites," and they proved that the company received no part of the compensation and assumed none of the responsibility for carrying dogs. But it was not proved that plaintiff knew of this regulation except from the posted notices. The baggage master delivered plaintiff's dog to a stranger at a way station, and the company was held liable for its value.[1]

SEC. 14. Statutes and ordinances to regulate and license the keeping of dogs have been adjudged valid, and the license fee properly exacted as an exercise of the police power of the State.[2]

[1] Cautling *v.* Han. & St. Jo. R. R. Co., 54 Mo. 385. Experts can give their opinion as to the market value of a dog based on actual sales or their general observation and experience. Id.

[2] Morey *v.* Brown, 42 N. H. 373; Carter *v.* Dow, 16 Wis. 299;

SEC. 15. A statute giving any person a right to kill an unlicensed dog "whenever and wherever found" is constitutional, and will protect an officer who, duly provided with a warrant, enters on the owner's premises and kills a dog.[1] But under the same statute it was afterwards held that if the dog was within its owner's dwelling house a constable had no right under the warrant to remove the dog thence without its owner's consent.[2] Nor may a private person enter at all upon the premises of another in order to kill the dog.[3]

And under a statute authorizing the killing of unlicensed dogs "going at large," an officer is not justified in entering on its owner's premises and killing the dog.[4] And a dog is not "running at large" if he is hunting with his master, although the latter may be at a distance, and out of sight of the dog.[5]

Mitchell *v.* Williams, 27 Ind. 62. In *ex parte* Cooper, 3 Tex. Ct. App. Rep. 489, it was held that a tax on the privilege of keeping or harboring dogs was valid. *Contra* Mayor *v.* Meigs, 1 McArthur, 53, which holds that, while an ordinance regulating the keeping of dogs, as, for instance, requiring them to be muzzled, was valid as an exercise of the police power, yet an ordinance requiring a dog owner to purchase a license therefor and imposing a fine for failure so to do was illegal.

[1] Blair *v.* Forehand, 100 Mass. 136.

[2] Cozzens *v.* Nason, 109 Mass. 276.

[3] Kerr *v.* Seever, 11 Allen, 151. A dog is not "any person" within the language of such statute, and therefore if a duly licensed dog sees fit to attack and kill an unlicensed dog the statute cannot be invoked as a justification. Hiesrodt *v.* Hackett, 34 Mich. 283.

[4] Bishop *v.* Fahay, 15 Gray, 61.

[5] Wright *v.* Clark, 50 Vert. 130. The necessity of strict compliance with the terms of a law regulating the keeping of dogs is shown by the case of Morey *v.* Brown, 42 N. H. 373. The law prescribed that "no person shall be liable by law for killing any dog which shall be found not having around his neck a collar of brass, tin, or leather, with the name of the owner or owners carved

or engraved thereon." Plaintiff had put a collar round his dog's neck having thereon his initials "J. P. M.," and proof was given that defendant knew that plaintiff owned the dog when he shot him. But the court said that as the terms of the statute had not been complied with the defendant was not liable for killing the dog.

CHAPTER III.

TRESPASS.

SEC. 1. The wild beasts, birds, and fishes that the sportsman seeks, and which, having no owner, become the lawful prize of anyone who can kill or capture them, often inhabit land or water that is the subject of private ownership, and, by entering thereon without permission in search or pursuit of game, the sportsman becomes a trespasser.[1]

The sportsman in America runs much less risk of or from trespass than he would in England. Not only are there in this country large tracts of uninclosed land belonging either to the State[2] or to private owners, who

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[1] An English judge declared that if a man, standing on his own land, shot over the land of another and the shot struck the soil, he was guilty of trespass. Pickering *v.* Rudd, 4 Camp. 219.

An exception is made in England for the benefit of fox-hunters. By section 35 of the statute (1 and 2 Wm. 4, ch. 32), persons coming upon land with hounds or greyhounds in fresh pursuit of a deer, fox, or hare started on other land, are exempt from the statutory penalties against trespassers. The earlier English law was that trespass in fox-hunting was permissible, if undertaken for the public good in destroying a ravenous animal (3 Black. Com. 212; 1 T. R. 334); but if the pleasure of the chase was the motive, the hunters must pay for damage (1 Chitt. G. L. 114). But even in England the statute does not enable fox-hunters to trespass with impunity. The common-law liability for trespass still applies to them. Paul *v.* Summerhayes, L. R. 4 Q. B. D. 9. The American law as to fox or anise-seed bag-hunting is as yet undeclared.

[2] Anyone, in the absence of legislative restriction, may take game on land or water that lies in common for public use. Inhabitants *v.* Stoddard, 7 Allen, 158.

do not exclude the sportsman therefrom, but the "custom of the country" in most localities is to permit him to enter on any "unposted" land in pursuit of game, subject only to liability for such damage as he may cause to the land itself.

SEC. 2. It was declared by a South Carolina court that hunting on uninclosed lands was not trespass, and that the English decisions on the subject were inapplicable to this country, where so much of the land is unoccupied and unused for agricultural purposes;[1] and in Michigan it was held that "it has always been customary to permit the public to take fish in all the small lakes or ponds in the State; and, in the absence of any notification to the contrary, we think anyone may understand that he is licensed to do so."[2]

SEC. 3. In regard to inclosed and cultivated lands such license by custom has been denied. In Goff *v.* Kilts,[3] the court said: "The natural right to the enjoyment of hunting and fowling wherever animals *feræ naturæ* could be found, has given way in the progress of society to the establishment of rights of property better defined and of more durable character. Hence no one has a right to invade the inclosure of another for this purpose. He would be a trespasser, and as such liable for the game taken." In a Massachusetts case,[4] the defendant was sued for fishing in private waters. He offered to prove that the inhabitants of the vicinity had

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[1] Broughton *v.* Singleton, 2 Nott. & M. 338; McConnico *v.* Singleton, 2 Treadway, 244.

[2] Marsh *v.* Colby, 39 Mich. 626.

[3] 15 Wend. 550.

[4] Waters *v.* Lilley, 4 Pick. 145. A deep, navigable water course, surrounding a person's land, is a sufficient inclosure to render an entrance therein by other persons, for purposes of hunting, a breach of this close, and to entitle him to damages for a trespass thereon. Fripp *v.* Hasell, 1 Stroble (S. C.) Law, 173.

from time immemorial taken fish in the pond and stream, without any interruption from plaintiff or any owners of the property, although they knew of the custom. The evidence was excluded, the court declaring that such custom, if proved, would be unlawful. In an English case,[1] the defendant claimed a right to shoot over certain land, for the reason that he and every one else who chose had always shot there until recently, and he desired to offer proof of this; but the court were of the opinion that as such claim could not be supported in law, the defendant was liable as a trespasser, although he might have believed in the right.

Upon the whole, it may be said that the sportsman cannot claim any legal right to enter on private property in pursuit of game, based on the custom so to do. Taking game from or over the land is not an easement, but a *profit a prendre*, which requires an estate in the land which is not created by mere custom.[2]

In addition to the common-law penalty for trespass, the statutes of many States make the trespasser upon inclosed or cultivated land liable to fine or imprisonment.

SEC. 4. The right to hunt or fish on land or water may be founded on custom, prescription, grant, or license.

Of custom we have already spoken;[3] prescription means the right of an individual or class—as distinguished from the right of the public—to enter on property, and it is based on the idea of a former grant, of which the only means of proof is the fact that the right has been exercised by the individual or those to whose

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[1] Leatt *v.* Vine, 30 L. J. M. C. 207.

[2] Pearsall *v.* Post, 20 Wend. 111; 22 *Id.* 425; Cobb *v.* Davenport, 3 Vroom, 369; Bluoett *v.* Tregonning, 3 A. & E. 554.

[3] Sec. 3, *ante.*

rights he succeeds, for such a time and in such manner as to establish in him a right concerning the land or water superior to the right of the owner thereof to prevent entry upon it. This prescriptive right is known as "adverse possession." The claim of right by prescription to enter on real property to hunt or fish is of such a kind that very clear evidence is needed to establish it. In a very ably and carefully-considered case,[1] the court said:

"Where the thing prescribed for is an easement, such as the right of way, or of overflowing lands, there is little difficulty in applying the rules of adverse possession of a corporeal hereditament to the determination of the question whether the user is adverse, because of such use or enjoyment being a direct and palpable interference with the owner in his property, and contrary to his interest. But where the right claimed is a mere *profit a prendre*, as hunting, hawking, or fishing, it is difficult to bring it within those rules, and especially so where the right claimed is of hunting over wild lands or fishing in secluded waters, when the owner does not himself use the game or fish for a pecuniary profit, but suffers the public in general to hunt and fish without interference. To hold that a right of hunting over another's wild lands, or even over lands under cultivation, was established by showing that the person claiming the right, and those under whom he claims, had at pleasure hunted for game on the premises for the period of twenty years, would be monstrous. Such acts of hunting would be considered to be merely permissive, unless there was clear evidence that they were done under a claim of right, and that the owner knew of such claim, and, knowing it, acquiesced in it. There being no

[1] Cobb *v.* Davenport, 3 Vroom (N. J.), 369; also S. C. 4 Vroom, 323.

actual disseisin or user, exclusive of others, the use could not be sufficiently hostile and notorious to establish a right against the true owner, unless the intention to claim against his interest was shown by evidence equally indicative of an intention to acquire a right.

"The same rule must be applied when the right claimed is of fishing. There must be an actual disseisin or exclusion of others, or the user must be accompanied by such circumstances as show that it was hostile to the owner, and that he may be presumed to have known that it is adverse to his rights. I concur in the remark of Thatcher, J., in Nickerson *v.* Brackett, 10 Mass. 217, that the annual temporary use of a fishing privilege would not avail against a private proprietor of the soil, because it could not amount to disseisin. See McFarlin *v.* Essex Co., 10 Cush. 311; Melvin *v.* Whiting, 10 Pick. 295; Same *v.* Same, 13 Pick. 184.

"And where the claim is not of several and exclusive fishery, but of a common fishery, as it is in this case, the necessity of requiring circumstances beyond mere user, to make it hostile, is the more apparent, because it would be exceedingly difficult, if not impossible, to predicate a disseisin of an user in common with the owner and others, when the fishery is not worked for a pecuniary profit."

SEC. 5. A right by grant may be given by the State as the owner of game or fish in public lands or waters,[1] or by the private owners of real property. In England, where field-sports are a matter of much pecuniary importance, the law books are full of discussions about the right to capture game, either as consequent to or separate from the ownership or tenancy of land; of the apt terms of conveyance to give the right, and of the legal limitation of express grants. Thus, in a lease of

[1] See section 12, *post*.

lands for less than twenty-one years, the right to the game thereon was *prima facie* in the landlord.[1] A right of hunting and hawking has been held not to include shooting,[2] and a right to kill game not to include the taking away of the game killed,[3] and many other questions which are of no general importance. In America, the right by grant requires a writing which, as the right to kill and carry away game on land is a "license of profit," should be based on sufficient consideration, and should be executed with the legal formality of a deed of land.[4]

SEC. 6. A verbal license is sufficient to justify an entry upon private property to shoot or fish,[5] and it is good until revoked. "If A agrees with B that B may hunt or fish on his (A's) land, A thereby gives B a license for that purpose. This gives B no interest in the land; he cannot authorize any other person to go upon the land; it is a personal privilege granted to B alone. If, after A has given his consent and before B has entered upon his land, A changes his mind, he has a right to do so, and forbid B from entering upon his land for the specified purpose. The license is thus far executory, and may be revoked at pleasure; if B afterwards enters he is a trespasser. If, however, B enters

[1] 1 Wm. 4, ch. 32, sec. 7.

[2] Moore *v.* Earl of Plymouth, 3 B. & Ald. 66.

[3] Wickham *v.* Hawker, 7 Mees & W. 63.

[4] Bird *v.* Higginson, 2 A. & E. 696; 6 *Id.* 824; Duke of Somerset *v.* Frogwell, 5 B. & C. 875.

[5] Sampson *v.* Burnside, 13 N. H. 264; French *v.* Owen, 2 Wis. 250; Boyd *v.* Rikes, 14 Ark. 286.

But an agreement whereby A, by paying a certain sum was to have one fourth of the shooting for the season over certain land of B, and one fourth of the game killed thereon, and was also to have accommodation in a house rented by B, who was to pay all the expenses connected with the shooting, was held to be one of interest in land and governed by the Statute of Frauds. Webber *v.* Lee, 51 L. J. C. L. 174, 485.

before any revocation of license, the license is then executed, and it is not competent for A to revoke it and make B a trespasser."[1]

And if the license be of the nature of an agreement the licensor can be compelled to put it into such shape that he cannot attempt to revoke it.[2]

SEC. 7. But if the sportsman remain on the land after his license to be there has been revoked, or if, having got leave to come upon the land for a specified purpose, as to cross over it, or to gather nuts, or to eat his lunch, he should proceed to hunt or fish, he would become a trespasser, and the privilege, if granted, is strictly personal. If one of a number of sportsmen gets from the land-owner leave that he may shoot on the land, the license would include only him and those he took with him to help him, not his brother-sportsmen or his gunner.

SEC. 8. The limits of private lands are not necessarily defined by fences or other artificial boundaries. Land bordering on a road usually extends to the centre line of the road;[3] and land bounded by a brook or small fresh-water stream goes to the thread of the current, which may or may not be the middle of the water.[4] In a small lake or pond it goes to the centre line.[5] But if the water is affected by the ebb and flow of the tide, the

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[1] Mumford *v.* Whitney, 15 Wend. 392.

[2] Frogley *v.* Earl Lovelace, 1 Johns. (Eng.) 333.

[3] Dunham *v.* Williams, 37 N. Y. 251; Banks *v.* Ogden, 2 Wall, 68; Marsh *v.* Burt, 34 Vert. 289.

[4] Pulmer *v.* Mulligan, 3 Caines, 307; Commrs. *v.* Kendall, 26 Wend. 404; Deerfield *v.* Adams, 17 Pick. 41; Adams *v.* Pease, 2 Conn. 481; 3 Kent's Com. 428.

[5] Ledyard *v.* Ten Eyck, 36 Barb. 102; Cobb *v.* Davenport, 3 Vroom, 369.

adjacent land is bounded by high-water mark.[1] If the water is a lake or great pond, the land extends to low-water mark.[2]

Land bounded by a large river above tidal influence is, in England and some of the United States, considered to extend to the thread of the current,[3] but in other States only to the water's edge.[4]

SEC. 9. The private ownership of the land forming the soil of the highway, or the bed of the unnavigable stream, is subject to the right of the public to travel over it, but this is all.[5] The hunter who shoots game in a road,[6] or who stands by a farmer's fence and denounces him for not permitting access to his fields,[7] or who, while walking along the road, sends his dog into the field to flush the game there, so that he may shoot it as it flies or runs across the road,[8] or sits in his

[1] Furman *v.* The Mayor, 10 N. Y. 567.

But this rule does not apply to a pond originally fresh, but which, by connecting it with a body of salt water, had become subject to the tides. Wheeler *v.* Spinola. 54 N. Y. 377.

[2] Wheeler *v.* Spinola, 54 N. Y. 377; Inhabitants *v.* Stoddard, 7 Allen, 167; State *v.* Gilmartin, 9 N. H. 461; Barney *v.* Keokuk, 94 U. S. 324; Seaman *v.* Smith, 24 Ill. 521; Austin *v.* R. R. Co. 45 Vert. 215.

[3] Angell on Watercourses, sec. 547.

The English rule prevails in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, New York, Maryland, Virginia, Ohio, Indiana, and Illinois.

[4] Pennsylvania, North and South Carolina, Tennessee, and Alabama.

[5] 3 Kent's Com. 432, *et seq.*

[6] Mayhew *v.* Wardley, 8 L. T. 504.

[7] Adams *v.* Rivers, 11 Barb. 390; State *v.* Davis, 80 N. C. 351.

[8] Reg. *v.* Pratt, 24 L. J. M. C. 43.

In this case the sportsman was on a road the land on both sides of which was owned by one man. He sent his dog into an adjoining field, and thus flushed a bird which he fired at. He was proceeded against under a statute which forbade entry upon the land in search or pursuit of game. But if it had happened that

boat between the land and the thread of the stream and shoots ducks swimming or flying there, is guilty of trespass.

SEC. 10. The right of the public to fish in a stream, like that of shooting upon land, depends upon the question of ownership. If the land which forms the bed of the stream is owned by any one, then, although the stream is wide and deep enough to afford free passage for boats of any size, it is merely a highway on which the public have only a right of passage, which must be exercised with due regard to the rights of the owner of the river bed.[2] That the bed of a "boatable" fresh

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the land in the road on which he stood when shooting had not belonged to the man on whose land he sent his dog, he could not have been convicted; for a man who kills a bird does it in contemplation of law in the place where he stands while shooting, and not in the place where the bird is hit (Reg. *v.* Alsopp, 1 Show. 330). Pratt could not have been adjudged to have been "*on the land* in search of game," and would only have been liable in a civil suit for causing his dog to trespass.

[1] State *v.* Shannon, 36 Ohio St. R. 423.

This was a prosecution under a statute which provided that any person who "shoots at, kills, or pursues with such intent" game on the lands of another upon which there is set up in some conspicuous place a board inscribed in legible English characters thus, "No shooting or hunting allowed on these premises," shall be fined, etc.

One Tindall owned certain lands bounded on one side by the Sandusky River. Defendant was in a skiff on the river between the middle thereof and Tindall's shore. It was also proved that the public generally had been accustomed to shoot and fish in this locality.

I have cited this case as evidence of the common-law rule. The statute on which the prosecution was based required an entry "on the lands of another" to convict. Shannon was adjudged to have been on Tindall's land when he shot the ducks, and by force of the statute he was subject to criminal prosecution as well as suit for damages.

[2] While the right of free passage over a road or a river is superior to that of the land-owner to use or obstruct the soil of the

water course belongs to the owner of the bank is the law in England and in some of the United States, while in others it is denied.[1] The English doctrine may be said to be based on the celebrated treatise of Lord Hale, "De Jure Maris," of which it has been said by a learned American judge that "a more perfect system of regulations on this subject than that stated by Lord Hale could not be devised." In this treatise water courses are declared to be "navigable" or "unnavigable." The first class are such as are affected by the ebb and flow of the tide, and the second class are those unaffected by tidal influence. Navigable waters are public, subject only to the rights of the State therein, among which rights is that of granting to one or more persons the exclusive privilege of fishing in certain waters. Unnavigable waters are public only so far as they are highways, and the public has in them only the right they have in any other highway—free passage.[2]

SEC. 11. The right to fish in water courses both unnavigable and unboatable unquestionably belongs to the owner of the adjoining land.[3] No matter how deep or wide the stream may be no one may fish there without leave of the owner of the bank.[4] The angler without such permission will be a trespasser. Whether the fish he catches will belong to him or the land-owner will be

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road or river-bed, yet the right of passage must be exercised with due regard to the land-owner. Thus, where the owner of a river bank had planted stakes in an adjacent river-bed and fastened nets to them, a vessel must not run over them if they can be avoided without prejudice to the reasonable prosecution of the voyage. Cobb *v.* Bennett, 75 Pa. St. 326.

[1] See sec. 6, *ante*.

[2] Cobb *v.* Davenport, 3 Vroom, 369.

[3] For a further consideration of the subject see Angell on Water Courses, sec. 547, *et seq.*

[4] Adams *v.* Pease, 2 Conn. 481; Hooker *v.* Cummings, 20 Johns. 90.

considered hereafter;[1] but he can be "ordered off" the stream, and in all respects his rights and liabilities are similar to those of his brother-sportsman who uses the gun instead of the rod.

SEC. 12. The right to fish in the tide waters belongs primarily to the State, and is open to all its citizens;[2] but the State may grant to one or more persons the exclusive right to fish in such waters,[3] and such right in public waters may be obtained by immemorial usage.[4] The bed of the water-course between high and low-water mark belongs to the State, and if the State has granted this land to an individual, the right to fish in the water over this land becomes his property.[5] But the right to fish in unnavigable waters cannot be granted by the State.[6]

SEC. 13. One who enters on private property without permission, does so at his own risk. If he or his dogs fall into a pit or are otherwise injured, the land-owner is not responsible; he is not bound to keep his property in a safe condition for trespassers.[7] "An owner or occupant is bound to keep his premises in a safe and suitable condition for those who pass over them, using due care if he has not held out any invitation, allure-

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[1] Holyoke Co. *v.* Lyman, 15 Wall. p. 512.

[2] Chap. IV. Property in Game.

[3] But the fisherman may not go upon the bank nor thrust stakes into the land between high and low-water mark. Cortelyou *v.* Van Brundt, 2 Johns. 356; Whittaker *v.* Burhans, 62 Barb. 237.

[4] Rogers *v.* Jones, 1 Wend. 237; Trustees *v.* Strong, 60 N. Y. 56.

[5] Gould *v.* James, 6 Cow. 369.

[6] Paul *v.* Hazelton, 8 Vroom, 106.

But even when the State has sold to the owner of the adjoining upland the land between high and low water mark, any other citizen of the State may enter thereon if uninclosed and take shell-fish from natural beds. Weston *v.* Sampson, 8 Cush. 347; Peck *v.* Lockwood, 5 Day, 22.

[7] Bristow *v.* Cormica, 24 Eng. Rep. (Moak) 431.

ment, or inducement, either express or implied, by which they have been led to enter thereon. A mere naked license or permission to enter or pass over an estate will not create a duty or impose an obligation on the part of the owner or person in possession to provide against the danger of accident. The gist of the liability consists in the fact that the person injured did not act merely for his own convenience and pleasure, and from motives to which act or sign of the owner or occupant contributed, but that he entered the premises because he was led to believe that they were intended to be used by visitors or passengers; and that such use was not only acquiesced in by the owner or person in possession and control of the premises, but that it was in accordance with the intention and design with which the way or place was adapted and prepared, or allowed to be so used. The true distinction is this: a mere passive acquiescence by an owner and occupier in a certain use of his land or by others involves no liability; but if he directly or by implication induces persons to enter or pass over his premises, he thereby assumes an obligation that they are in safe condition suitable for such use; and for a breach of this obligation he is liable in damages to a person injured thereby." [1]

SEC. 14. But though the sportsman, if he is a trespasser, takes the risk of any ordinary accident that may befall him while on the land or water, he is not his own insurer against injury from man-traps or spring-guns, or any other such instrument which the land-owner may have chosen to put on his land to protect it from intrusion.[2]

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[1] Sweeny *v.* R. R. Co., 10 Allen, 373.

[2] The leading case on this subject is Illott *v.* Wilkes, 3 B. & Ald. 304, decided in the year 1820. The plaintiff went into defendant's wood to gather nuts, and trod on a wire leading to a spring-gun

Nor is he legally liable[1] to be shot, or to be assailed and beaten, or to be set upon by dogs,[2] or to have a sav-

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placed in the wood by the defendant to protect the game there. The gun was discharged, and plaintiff was severely injured. Notices had been posted in several places that there were spring-guns in the wood, and plaintiff was also told of their being there. The court decided against the plaintiff. The principal discussion was on the question of notice. All the judges agreed that the mere placing of spring-guns on a man's own premises was not unlawful, and that, as plaintiff had notice of their being there, he brought the injury on himself by trespassing in the wood. It was urged by the plaintiff's counsel that no one had a right to do indirectly what he could not do directly. That as a land-owner could not shoot a mere trespasser, he had no right to place in his ground engines whereby such trespasser might be shot. Abbott, C. J., and Bayley, J., do not notice the point. Holroyd, J., and Best, J., thought the rule not applicable, because although if the land-owner was present he could regulate the force employed to remove the trespasser, yet, being obliged to employ mechanical means of protection in his absence, he was required only to warn the public to keep out of the way. Bird *v.* Holbrook, 4 Bing. 628. In this case defendant had placed a spring-gun in his grounds, but gave no notice thereof. Plaintiff came on the ground to get back a pea fowl that had strayed, and was injured by the discharge of the gun. *Held*, that he could recover. The judges declared that Illott *v.* Wilkes was decided expressly on the ground of notice to the trespasser. In Loomis *v.* Terry, 17 Wend, p. 498, the right to set spring-guns, etc., if proper notice be given, was approved; but in State *v.* Moore, 31 Conn. 479, and Johnson *v.* Patterson, 14 Conn. 1, the whole matter was carefully considered, the English decisions discussed, and the principle clearly stated that in this country no one had a right to use or employ a deadly weapon except as a protection against a felonious injury, and this is the law in America. Gray *v.* Combs, 7 J. J. Marsh, 478; Simpson *v.* The State, 59 Ala. 1; Hooker *v.* Miller, 37 Iowa, 613.

[1] I speak of the common law liability. The sportsman can refer to the several State statutes for the statute liability.

[2] Loomis *v.* Terry, 17 Wend. 497; Pient *v.* Miller, 3 E. D. S. (N. Y.) 576.

age bull turned into the field where he is,[1] or to have his dog shot,[2] or seized and kept.[3] Although a trespasser, he has rights as such, which are: notice to depart, and reasonable time and opportunity to do so;[4] and if he shall then continue on the land, the employment of only so much force by the land-owner as is reasonably necessary to remove him from the land.[5] In this connection it is well to warn the sportsman in such case to leave quietly, and retain his expression of opinion as to the land-owner's character and conduct until he has reached home, and, in slippered ease, is recounting the day's adventures. If, gun in hand, he enters into a quarrel with the farmer, the right to use necessary force—the "gentle laying on of hands" which the law permits to the latter—is altered by the attitude of the trespasser (State *v.* Davis, 80 N. C. 351), and the sportsman may find that a jail is the result of his pleasure trip.

SEC. 15. The remedies of a land-owner against a tres-

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[1] Blackman *v.* Simmons, 3 Car. & P. 138.

[2] Athill *v.* Corbert, Cro. Jac. 463; Edwards *v.* Engleton, Hob. 283.

[3] Vere *v.* Lord Cawdor, 11 East. 568.

[4] Rider *v.* White, 65 N. Y. 54.

[5] In Illott *v.* Wilkes, 3 B. & Ald. 317, the rule is thus stated: "The prevention of intrusion upon property is a right, and every property owner is allowed to use the force that is absolutely necessary to vindicate it. If he uses more force than is absolutely necessary, he renders himself liable for all the consequences of the excess. Thus if a man comes on my land I cannot lay hands on him to remove him until I have desired him to go off. If he will not depart on request I cannot proceed immediately to beat him, but must endeavor to push him off. If he is too powerful for me I cannot use a dangerous weapon, but must first call in aid other assistance. I am speaking of out-door property, and of cases in which no felony is apprehended."

passer are—unless there be statutory remedies for trespass—ejection of the trespasser from the land, and suit against him for damages. These damages would be in most cases nominal, as the injury to the real property by a mere trespass is but trifling. But, as a jury in an action for a wrong are not restricted to the amount of actual pecuniary loss, if the trespasser has been abusive or violent, he may have to pay for it. An English sportsman learned this lesson at a high price. Although himself a justice of the peace, and thus supposed to hold poachers in detestation, he had gone on a man's land to shoot, in defiance of notice not to enter, and continued there in presence of the owner to whom he gave "every kind of insult and aggravation." Being sued, and apparently fearing the verdict of a jury, he obtained leave to withdraw his plea, and suffered judgment by default, so that the damages might be assessed before the judge of assize. The damages were assessed at five hundred pounds, and the court of common pleas refused to set it aside as excessive.[1]

SEC. 16. If the sportsman enter upon land after receiving notice not to do so, he not only greatly aggravates the offense,[2] and thereby incurs the risk of having to pay substantial damages, but in many States wherein a special form of notice commonly called "posting" is prescribed by statute, he is also in danger of fine, imprisonment, or other penalty. The English game laws permit the summary seizure of the trespasser's hunting

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[1] Merest *v.* Harvey, 5 Taunt. 442. See also Major *v.* Pullian, 3 Dana, 582.

[2] See notes to last section; also Reynold *v.* Edwards, 6 T. R. 11, where it was held that because plaintiff had four years before given defendant a general notice not to trespass on his land the latter must pay costs.

equipment. Such proceeding has been in this country declared to be an infringement of the constitutional provision that no one shall be deprived of his property without due process of law.[1]

SEC. 17. If two or more sportsmen are in company they may all be guilty of a trespass, although only one of them actually went upon the land. Thus, where two brothers were riding in a wagon on a turnpike road, and one of them got out and shot a hare in the adjoining field and brought it to the other, who had remained in the wagon, both were held guilty of trespass.[2] So, where a man who had been notified to keep off the land of another, went out shooting with some friends, whom he conducted to this land, telling them he would show them where plenty of game might be found, and then stood in the road while his friends went on the land and shot, he was adjudged a co-trespasser with them.[3] In another case[4] plaintiff had given defendant notice not to trespass on his land. Defendant kept stag hounds, and, about two years after the notice not to trespass, a number of persons who were hunting with defendant's hounds, chased a stag over plaintiff's lands and did great damage. Defendant himself did not go on the land, but the court declared that as he had invited the other gentlemen to hunt with him, he was answerable for the damage they did by their trespass, unless he distinctly desired them not to go on the land in question. But in a later case[5] this decision was not noticed, and a narrower limit of liability was declared. The defendant S. owned certain lands which he had leased to

[1] Rockwell *v.* Nearing, 35 N. Y. 302; Ieck *v.* Anderson, 57 Cal. 251; Lowrey *v.* Rainwater, 70 Mo. 152.

[2] Stacey *v.* Whitehouse, 18 Com. B. N. S. 344.

[3] Hill *v.* Walker, Peakes Add. Cas. 234.

[4] Baker *v.* Berkeley, 3 Carr. & P. 32.

[5] Robinson *v.* Vaughton *et al.*, 8 Carr. & P. 252.

plaintiff, together with the right to the game thereon. Thereafter he gave defendant V. leave to go on the land and shoot, which V. accordingly did. The evidence was conflicting as to whether S. had leased to plaintiff the right to the game, and also whether he had merely given V. leave to go on the land, or whether he had ordered and directed him to go there in order to contest plaintiff's right. The judge (Alderson) who tried the case charged the jury that "the only real question is whether Mr. Vaughton was authorized and ordered by Mr. Southwick to commit this trespass, or whether Mr. Southwick merely said 'I will permit you,' or 'you may go there if you like.' If he was authorized and ordered by Mr. Southwick to go there, they are joint trespassers, but if he was only permitted or had leave and license from Mr. Southwick, they are not."

Upon the whole the test of liability as a co-trespasser prescribed by a Missouri court,[1] and cited approvingly by Mr. Waterman in his work on trespass,[2] seems to be the true one. "Any person who is present at the commission of a trespass, encouraging and exciting the same by words, gestures, looks, or signs, or who in any way or by any means countenances or approves the same, is in law deemed to be an aider and abettor, and liable as a principal; and proof that a person was present without disapproving or opposing it, is evidence from which, in connection with other circumstances, it is competent for a jury to infer that he assented thereto, lent his countenance and approval, and was thereby aiding and abetting the same. But, on the other hand, it is to be borne in mind that mere presence on the commission of a trespass without disapproving or opposing it does not ren-

[1] McMannus *v.* Lee, 43 Mo. 206.
[2] Vol. I, sec. 63.

der a person liable as a participator therein. If he is only a spectator, innocent of any unlawful intent, and does no act to countenance or approve those who are actors, he is not to be held liable on the ground that he happened to be a looker-on and did not use active endeavors to prevent the commission of the unlawful acts."

CHAPTER IV.

PROPERTY IN GAME.

SEC. 1. Game in its wild state properly belongs to nobody. It is only when it is reduced to possession by being captured, tamed, or killed, that it can be called property. A qualified property in game, even in its wild state, exists at common law, but in an important case[1] in England, wherein the ownership of game was under consideration by the court of last resort, Lord Chancellor Westbury said: "When it is said by writers on the common law of England that there is a qualified or special right of property in game, that is, animals *feræ naturæ* which are fit for the food of man, while they continue in their wild state, I apprehend that the word 'property' can mean no more than the exclusive right to catch, kill, and appropriate such animals, which is sometimes called by the law a reduction of them into possession. The right is said to exist *ratione soli* or *ratione privilegii*, for I omit the other two heads of property which are stated by Lord Coke, namely, *propter industriam* and *ratione impotentiæ*, for these grounds apply to animals which are not in the proper sense *feræ naturæ*. Property *ratione soli* is the common law right which every owner of land has to kill and take all such animals, *feræ naturæ*, as may from time to time be found on his land, and as soon as that right is exercised, the animals so killed or caught become the absolute property of the owner of the soil. Property *ratione*

[1] Blades *v.* Higgs, 11 House of Lords, Cases, 621, affirming s.c 13 Com. Bench N. S. 844.

privilegii is the right which, by a peculiar franchise anciently granted by the Crown in virtue of its prerogative, one man had of killing and taking animals *ferœ naturœ* on land of another."

SEC. 2. It was adjudged in Blades *v.* Higgs that game killed by a trespasser becomes the property of the owner of the land on which it was started and killed, and a similar decision was given in Lonsdale *v.* Rigg.[1] But it is not so when game is started by a trespasser on the land of one man, pursued by him onto the land of another man and there killed. In such case it becomes the property of the trespasser. This doctrine was first enunciated by Lord Holt in an early case[2] and has been followed in one case[3] in England and cited approvingly in others,[4] and although criticised by one of the judges in Blades *v.* Higgs, it seems to have been accepted as law by the others.

SEC. 3. I am not aware that an American court has decided to whom the game killed by a trespasser belongs. Should the question arise, it is probable that the English doctrine, in its full scope, will, like some other doctrines concerning hunting and fishing, be declared inapplicable to this country. The English courts have, undoubtedly, been influenced by the idea that the pursuit of game was the privilege of a class, and that land gave to its owner a power and dignity not belonging to any other property. "Game," within the purview of the early English laws, was deer. As these have become scarce the statutes have been enlarged, for the purpose of restricting the pursuit of things, theretofore open to all, to com-

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[1] 1 Hurl & N. 923.

[2] Sutton *v.* Moody, 1 Ld. Ray, 250.

[3] Churchward *v.* Studdy, 14 East, 248.

[4] Deane *v.* Clayton, 7 Taunt. 489, 511; Lonsdale *v.* Rigg, 1 H. & N. 923, 927.

paratively few persons; these were, until 1831, land-owners; and the ideas about ownership in land and property in the game that dwelt thereon have always been so closely allied, that, because a man held certain land, and was, in consequence, entitled to forbid access to it, it seemed a natural consequence that although the game thereon, in its wild state, belongs to no one, yet a trespasser who, by coming on the land, was able to capture it, became thereby the involuntary agent of the land-owner, and the captured game, now for the first time the property of any one, belonged to the land-owner as principal, and he could take it from the agent or sue him for its value. But this rule was subject to the curious exception that if this involuntary agent, the trespasser, failed to capture the game on the land where he started it, and pursued and captured it on another man's land, then it became his property, as against both land-owners. This exception seems absurd. If the man who started the game had no right to it, because he was a trespasser, how could he acquire such right by the additional offense of a second trespass? This exception probably originated from an instinctive feeling that the general rule was unjust. That by seeking and starting wild game for the purpose of obtaining it, a man did gain a qualified right to it, but as admitting that this right was superior to that of the owner of the land whereon it was started, would impair the dignity of property in land, a reason was given which is denied by American courts, namely, that there was a property in game to be gained by pursuit. Therefore, as the qualified property of the first land-owner ceased as soon as the game left his land, and as, by reason of hot pursuit of the hunter it had not become attached to the land to which it had fled; had taken nothing from the sacred soil for subsistence or means of abode, and as the second land-owner had not afforded it maintenance and protection, the English

judges declared that he had no right to the game. The maintenance and protection of a wild animal for the pleasure or profit of the owner of the land where it dwells is almost unknown here, but has long been the rule in England. There the land is limited in area and is cultivated or enclosed. The game has become a special property; the right to take it is a matter of reservation, secured by written agreements or covenants. The "wild birds" are often hatched from eggs incubated by domestic hens, cooped and fed like barnyard fowls, reared at great expense and considered by the landowner as his property; and that he can so consider them has been declared by an English judge to be an important element of their social system.

"Much money is expended in the protection of game, and it would be hard if in one night, when the keepers are absent, a gang of poachers might destroy what has been kept at so much cost. If you do not allow men of landed estates to preserve their game, you will not prevail on them to reside in the country. Their poor neighbors will lose their protection and kind offices, and the government the support that it derives from an independent, enlightened, and unpaid magistracy." (Best, J., in Illott *v.* Wilkes, 3 B. & A. 304.) But in America, the social and political ideas concerning field sports, which have influenced the English judges, do not prevail. With us land is not an end, but a means. The social distinction which attaches to the English landowner is unknown. The area of land is practically unlimited. Much of it is uncultivated and uninclosed, and even where enclosed or cultivated it is not with any intent of preserving the wild animals that might come to dwell thereon, and which subsist upon the farmers' fowls or crops. The sportsman has no certificate. The term "poacher" is unknown. The right to kill game is, generally speaking, open to all.

If, under such circumstances, a sportsman, although a trespasser, shall succeed, by means of time, skill, and expense, which the land-owner cannot or will not devote to the purpose, in capturing some of the game which at the time chances to be at a certain place, then, although he would be liable for the damage caused by his trespass, yet the game would, I think, be considered his property.

SEC 4. Aside from the question of trespass, if a man kill or capture a wild animal it becomes his property; and depriving him of, or injuring it, can be punished both civilly and criminally.[1]

SEC. 5. But until the game is actually killed or captured, the sportsman has no property in it, even although he may have wounded it or be on the point of catching it, and any one else has a right to "come in at the death" and seize the game if he can.[2] In one case[3] plaintiff hunted deer with dogs and wounded one about six miles from defendant's house. He followed the track till night, when he went home, leaving his dogs in chase. Soon after, the deer was again wounded by another

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[1] Reclaimed wild geese (Amory *v.* Flyn, 10 Johns. 103) and a tamed buffalo (81 Ill. 403) have been adjudged property. Taking an otter from another man's trap is larceny. State *v.* House, 65 N. C. 315.

[2] The early English cases declare a different rule. In Holt's Cases, 16—one of the judges said, "If I spring a bird on my ground and let my hawk fly at him, and this bird is chased over your ground and you shoot him on the wing, I shall have him because of my original property." And in Coney's case (Godb. 123), it was said, "If a forester follow a buck which is chased out of a park or forest, although he who hunteth him killeth him in his own ground, yet the forester may enter into his ground and retake the deer for the property and possession which he hath in it by the pursuit." And in Churchward *v.* Studdy, this rule was accepted. But however just this doctrine may appear, it is not the law in America.

[3] Buster *v.* Newkirk, 20 Johns. 75.

hunter and fell, but rose again and ran on, with the dogs in close pursuit. Defendant then came out, and just as plaintiff's dog seized the deer he ran up and cut its throat, and it was decided that the deer was his. In another case the plaintiff had been in close pursuit of a fox and was on the point of capturing it, when defendant, who knew what was going on, shot the fox, and the court decided that he could keep it, though one of the judges declared that the matter should have been left to a jury of sportsmen, who would have found for plaintiff.[1] In an English case the plaintiff proved that he and his men had thrown a net around a number of fish, enveloping them on three sides, and leaving on the fourth a small opening through which they could not escape, as he had two boats there beating the water to drive the fish further into the net. Defendant sent his boat through the opening and took the fish, and the court declared them his property.[2]

Without extending the list of judicial decisions which prove that his prey may be "so near and yet so far," the sportsman can feel sure that, so long as life and freedom of motion remain in the game he pursues, all his time, trouble and expense may result only in giving it to some one who has done nothing but seize it just before its last gasp.

SEC. 6. But although there is no ownership of game until it is actually reduced to possession, it has been decided in England that an action will lie against one who intentionally frightens away game from another man's land or water. In one case[3] it appeared that the defendant was a servant of the Duke of Rutland, who owned certain land whereon he had placed wild grouse and had gone to great expense in preserving them. The

[1] Pierson *v.* Post, 3 Caines, 175.

[2] Young *v.* Hichens, 1 Dav. & M. 592.

[3] Ibbotson *v.* Peat, 34 L. J. Ex. 118.

plaintiff, who owned adjoining land, in order to entice the birds from the Duke's coverts to his own, had placed near the boundaries wheat and other grain which grouse feed on, and had succeeded in luring a number of birds from the Duke's land into his own. He was on the point of having a day's sport with them, when defendant, fired with indignation at such selfish and ungentlemanly conduct, set off a lot of rockets and other explosives, which not only frightened plaintiff's cattle, but so alarmed the grouse that they hastily left their new abode and flew to parts unknown. He brought suit and his action was sustained, the court saying that, although plaintiff had done an improper and ungentlemanly act in trying to allure game from his neighbor's land, the only remedy was to win them back by offering stronger inducements. In another case,[1] it was shown that plaintiff owned and used a "decoy," a contrivance involving the use of a pond, nets, and other articles to ensnare wild fowl. It was located on a salt water inlet. Defendant, being out in his boat engaged in duck shooting, first fired his gun about a quarter of a mile from the decoy, whereupon a large number of ducks flew out of the decoy pond. Then he came to within two hundred yards from the decoy and there fired at ducks on the wing, not shooting into the decoy itself, but by his presence and the report of his gun, scaring a large number of ducks out of the pond. The court held him liable in damages to plaintiff.

[1] Carrington *v.* Taylor, 11 East. 571.

CHAPTER V.

GAME LAWS.

SEC. 1. The law of Field Sports in America is based upon certain statutes adopted by the several States to prescribe the times wherein and the methods whereby game may be captured, and also on certain principles established by decisions of courts in this country and England. For a knowledge of the provisions of the Game Laws of the several States, the sportsman is referred to the statutes themselves, and to the appendix to this treatise.[1]

SEC. 2. The game laws of England in the "good old times" were frightfully severe.[2] The right to hunt was restricted to persons having freehold lands or tenements, or some other estate of inheritance in their own or their wives' right, of the clear yearly value of one hundred pounds; persons having leases for ninety-nine years or longer of the clear yearly value of one hundred and fifty pounds; the sons and heirs apparent of esquires or other persons of higher degree, and the owners of forests, parks, chases, and warrens.[3] And the penalty

[1] It is not a criminal offence at common law to plan or execute a raid upon a game preserve and trap the game there, even though the trespassers go armed and after dark. Rex. *v.* Turner *et al.*, 13 East., 228. Lord Ellenborough declared, "I should be sorry to have it doubted whether persons agreeing to go and sport on another's land—in other words to commit a civil trespass—should be in peril of an indictment." See also Jordan *v.* Gibbon, 8 L. T. 391.

[2] Blackstone's Com. (Sharswood Ed.), Book 2, p. 419, *et seq.*

[3] Fifty times as much property was required to enable a man to kill a partridge as to vote for a knight of the shire. Black. Com. 4, 174.

for poaching was death, or the loss of eyes, hands, or other members.

By the Carta de foresta (9 Hen. III.), passed as a "statute of mercy," it was ordained that "no man shall lose life or member for killing our deer, but if taken therewith and convicted for taking our venison, he shall make grievous fine, or if he hath nothing, he shall be imprisoned a year and a day and then delivered if he can find sureties, otherwise abjure the realm."[1]

SEC. 3. The right to engage in field sports was thus confined to a privileged class, but their right was limited by the law concerning trespass,[2] except in case of "free warren," which was a license to take certain game on certain land, and also the assumed right of the "lord of the manor" to hunt over all land within his domain whether he owned it or not.[3] But this claim was at last questioned, judicially examined, and denied, and by a statute passed in 1831, all class restrictions in England affecting the right to take game were abolished,

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[1] The animals protected by the English game laws did not include many of those which we class as game. The object of the earlier statutes was to prevent the unlicensed killing of deer, and the statute (1 and 2 Wm. 4, ch. 32), which abrogated all former game laws, and is the basis of modern English laws on that subject, declares that "game" for the purposes of that act is "hares, pheasants, grouse, partridges, heath or moor game, black game, and bustards."

The statute 25 and 26 Vict., chap. 114, added to the statutory game woodcocks, snipe and rabbits.

[2] Except fox hunters, etc. See chap. 3, sec. 1.

[3] That this extraordinary claim of right should so long have been submitted to in England, wherein any infraction of private rights is usually stubbornly resented, shows how strong was the notion of the "deference due to a man of pedigree." When the right was at last contested in 1825, one of the judges declared it "a very mistaken notion" which had "long prevailed." Pickering *v.* Noyes, 4 Barn. & C. 639.

and the privilege was granted to all who obtained a certified license.[1]

SEC. 4. The purpose of the American game laws is to protect and preserve the game for the common benefit, by prohibiting its destruction at certain times and by certain methods.[2] The right to take game is generally granted to all who can obtain permission to enter on the property which it inhabits. The statutes of several States, however, make a distinction of person and privilege between residents and non-residents, whereby the latter are forbidden to take game at all except upon certain conditions, or to carry it out of the State or county where captured.[3]

SEC. 5. The power of the several States to make laws is limited by the Constitution of the United States, which, among other things, declares that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States. If the right to kill game is such a privilege or immunity, then the citizens of a State which makes no legal discrimination between resident and non-resident sportsmen may defy the law of another State which makes such distinction. But it is not such a privilege. The discussion did not arise over fish, venison, or bird—the oyster naturally came first in order, and the decision about it virtually settled the matter.[4]

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[1] 1 and 2 Wm. 4, chap. 32.

[2] Game laws are constitutional. Gentile *v.* The State, 29 Ind. 409; Magner *v.* People, 97 Ill. 330; State *v.* Nortan, 45 Vt. 258; Phelps *v.* Racey, 60 N. Y. 10; State *v.* Roberts, 59 N. H. 256; Burnham *v.* Webster, 5 Mass. 266; Commonwealth *v.* Vincent, 108 Mass. 441; Lunt *v.* Hunter, 16 Maine, 9.

A statute forbade the use of ferrets to kill rabbits except on one's own land? H. with permission of the owner used a ferret on land not his. Held liable. Hart *v.* The State, 29 Ohio St. 666.

[3] Such restriction exists in New Jersey, Delaware, Maryland, North Carolina, Tennessee, Illinois, Missouri, and in New York as to Richmond and Rockland counties.

[4] The leading case is Corfield *v.* Coryell, 4 Wash. Ct. Ct. 371, 380.

SEC. 6. It has been held that the State is owner of all wild game within its territorial limits.[1]

"No one has a property in the animals and fowls denominated 'game' until they are reduced to possession (2 Kent's Com. 8th Ed., 416 *et seq.;* Cooley on Torts, 435). Whilst they are untamed and at large the owner-

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It has been followed in Smith *v.* Maryland, 18 How. 71; McCready *v.* Virginia, 4 Otto, 394; Slaughter-house cases, 16 Wall. 75; State *v.* Medbury, 3 R. I. 138. In Dunham *v.* Lamphere, 3 Gray 268, the court said that the question was unsettled in Massachusetts, but they intimate their approbation of the doctrine of Corfield *v.* Coryell. In Haney *v.* Compton, 7 Vroom, 507, the court say:

"It is insisted, in the next place, that the statute is a violation of the clause of the Constitution of the United States which ordains that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States. That this objection to the act is unfounded will be apparent, I think, when we consider what is the right of which it is said the plaintiffs are deprived. It is of coming upon the lands under water belonging to the State and subverting the soil and interfering with the property there found. The lands are those of the State, and she may retain them in her own actual possession, or grant or lease or otherwise part with the possession of them on such terms she believes sound policy dictates. She hath enacted that a certain class only of her own citizens may gather oysters in the public domain, and restricted the privileges to them. I do not see that the rights thus granted were in any proper sense privileges and immunities of the citizens of this State, or the class of them to which the State gives the right. To so hold would require the State to grant to the citizens of all the other States the right to use the property of the State on the same terms and conditions she is willing to accord such right to her own citizens. In other words, the doctrine sought to be maintained is, that when the State grants to a class of her own citizens the right to use the lands of the State she must let in the citizens of all other States on the same terms, and that she cannot constitutionaliy restrict the right to the people of this State. In my opinion, such a doctrine cannot be maintained on principle or authority."

[1] Magner *v.* The People, 97 Ill. 333.

ship is said to be in the sovereign authority—in Great Britain, the king[1] (2 Blackstone's Com., Sharswood's Ed. 409–10), but, with us, in the people of the State.

"The ownership being in the people of the State—the repository of the sovereign authority—and no individual having any property rights to be affected, it necessarily results that the Legislature, as the representative of the people of the State, may withhold or grant to individuals the right to hunt and kill game, or qualify and restrict it, as in the opinion of its members will best subserve the public welfare?

"Stated in other language, to hunt and kill game is a boon or privilege granted, either expressly or impliedly, by the sovereign authority, not a right inhering in each individual; and, consequently, nothing is taken away from the individual when he is denied the privilege, at stated seasons, of hunting and killing game. It is, perhaps, accurate to say that the ownership of the sovereign authority is in trust for all the people of the State, and hence, by implication, it is the duty of the Legislature to enact such laws as will best preserve the subject of the trust and secure its beneficial use in the future to the people of the State. But, in any view, the question of individual enjoyment is one of public policy, and not of private right."

A statute prescribing a penalty for non-residents of a State who hunt or fish without complying with the by-laws of a game protective society is valid.[2]

SEC. 7. The game laws of the several States contain penalties not only against killing game out of season [3]

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[1] This statement has been disproved by Prof. Christian, 4 Black. Com., Sharswood's Ed. 174.

[2] Allen *v.* Wyckoff, N. J. Sup. Ct. 2 Cent. Rep. 213.

[3] A man may kill a wild animal out of season in defence of his person or property. Aldrich *v.* Wright, 53 N. H. 398.

but also against selling, disposing of, or having it in possession during the close time.[1] The question has arisen whether they apply when the game was killed during the open season of the State where the penalty is sought to be enforced, or has been brought from another State where it is lawful to have it in possession. The decisions on this point are conflicting. In Phelps *v.* Racey[2] the defendant was a dealer in game in New York City, and had in his possession and offered for sale during March, 1883, a number of quail and grouse. Suit was brought against him to recover the penalty prescribed by the seventh and eighth sections of the "Act for the preservation of game,"[3] which declared that no person should kill or expose for sale, or have in his or her possession after the same had been killed,[4] any quail between January 1st and October 20th, and grouse between January 1st and September 1st. Defendant admitted possession of the game, but alleged that it had been put up by him in December, 1872, in an apparatus for preserving game, or it was received by him from Minnesota and Illinois, where the killing was at the time legal. It was held that these facts constituted no defence. The court said:

"The mandate is that 'any person having in his or her possession' between certain dates certain specified game, killed, shall be liable to a penalty. The time when or the place where the game was killed, or when brought within the State, or where from, is not made material

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[1] A dealer may lawfully contract to obtain and deliver *live* game during the close season. Pratt *v.* Baker, 10 Exc. 759; *contra*, Loome *v.* Baily, 31 L. T. N. S. 406.

[2] 60 N. Y. 10.

[3] Laws of 1871, chap. 721.

[4] Under a statute forbidding any one during certain months "to have in his possession any green moose or deer skin," a man who had bought such a skin at sheriff's sale was held liable. Bellows *v.* Elmendorf, 7 Lans. N. Y. 462.

by the statute, and we have no power to make it so. But if the intent in this respect was doubtful, sec. 33 would remove it. That section provides that persons selling or in possession of game shall not be liable to the penalty up to the first day of March, provided they prove that it was killed before the prohibited time or outside of the limits of the State where the killing was not prohibited. Provision is made by this section for the cases supposed not to be within the purview of the seventh or eighth section; but it is clear that the Legislature did not so suppose, but intended to qualify those sections by allowing possession to continue, and a sale of game lawfully killed or acquired, for two months, but after that period the inhibition is absolute.

"It is admitted in this case that the defendant had possession of the game after the first of March, and the fact alleged, that it was either killed within the lawful period or brought from another State where the killing was lawful, constitutes no defence. The penalty is denounced against the selling or possession after that time, irrespective of the time or place of killing. The additional fact alleged, that the defendant had invented a process of keeping from one lawful period to another, is not provided for in the Act, and is immaterial."

A similar ruling was made in Illinois[1] and Missouri.[2] But where a statute prohibited killing game birds during certain months, and also having in posession "any of said birds," it was held that this term did not include birds killed out of the State.[3]

SEC. 8. State laws forbidding the transportation of

[1] Magner *v.* The People, 97 Ill. 320.

[2] State *v.* Randolph, 1 Mo. App. 15.

[3] Commonwealth *v.* Hall, 128 Mass. 410.

A recent Canadian decision reviews all the American cases and strongly approves that of Commonwealth *v.* Hall; Davis *v.* McNair, 21 Cent. L. J. 480.

game during close seasons do not infringe the right of Congress to regulate interstate commerce.[1] But a State law forbidding transportation into or out of a State of game killed or captured during the open season of the State making the law is unconstitutional.[2]

SEC. 9. Game laws, being penal statutes,[3] are strictly construed. Thus: A general printed notice posted on land that a certain association would prosecute all persons trespassing was held not to be a legal notice under a statute which prescribed that the plaintiff should have costs in an action for trespass on any land in respect to which any notice not to trespass should have been previously served by or on behalf of the owner or occupier of the land upon or left at the last reputed or known place of abode of the defendant in the action.[4] And under a statute which made liable any person who should "commit any trespass by entering or being in the daytime upon any land in the pursuit of game, etc," although where a man standing on his own land shot a pheasant standing on land of another and got over the fence and picked it up, it was held that the whole was one transaction and that he could be convicted under this statute,[5] yet, in a later case, where a man was shooting on his own land, and a pheasant getting upon such land and flying over a neighbor's hedge, he shot it and got over and picked it up, it was held that he was not liable.[6] The judges declared that the word "game" in the statute meant live game, and that the fact that the bird when aimed at by the sportsman was not over his land did not make him a trespasser.

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[1] Phelps *v.* Racey; Magner *v.* The People, *supra.*
[2] State *v.* Saunders, 19 Kans. 127.
[3] Cattell *v.* Ireson, 4 Jur. N. S. 560.
[4] Sellon *v.* Berkeley Huntsman, Chitt. G. L. 230.
[5] Osbond *v.* Meadows, 31 L. J. M. C. 238.
[6] Kenyon *v.* Hart, 34 Id. 87.

Blackburn, J., stated: "I wish to be understood as saying that I consider that there is no difference between a bird flying over the boundary and a hare or deer, as often happens in the mountains where there is no visible boundary between two properties, crossing such boundary."

And a suit having been brought to recover penalties under a statute declaring that no person should "take, kill, destroy, carry, sell, buy, or have in his possession or use any pheasant between February 1st and October 1st," it was proved that defendant had lawfully killed a pheasant before February 1st, and had it in his possession February 9th. The court decided that he was not liable for the penalty, and said it was absurd to suppose that a man who killed game during the open season was bound to consume it before the season closed.[1]

A statutory penalty being imposed for committing a trespass by entering upon land in pursuit of game without a license, it was adjudged that license to enter must be obtained before going on the land. A subsequent statement by the land-owner that such license could have been had for the asking was insufficient, and it was held that a man might be convicted of trespass although he supposed he had permission to go on the land.[2]

If a statute prohibits "killing or taking" birds, etc., taking means "catching," not "taking away."[3] And if it prohibits having "in possession any bird of game," it includes live as well as dead birds.[4]

A statute prescribed a liability "if any person shall

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[1] Simpson *v.* Unwin, 3 B. & Adolph. 134.

This case is not in conflict with Phelps *v.* Racey, 60 N. Y. 10; for, under the New York statute, days of grace were allowed wherein to dispose of the game.

[2] Morden *v.* Porter, 1 Law Times R. 403.

[3] Rex *v.* Glover, Russ & Ryan, 269.

[4] Loome *v.* Baily, 3 Law Times R. 406.

kill or take any pheasant" during certain months. Defendant had set a wire for rabbits and a pheasant was caught therein. He took it out—it was hurt and could not fly. He put it under his arm and was walking off with it when plaintiff accosted him. Defendant then claimed that he was taking the bird to cure it. The court held that, even if the original capture was by accident, the subsequent taking would be unlawful if the defendant took the bird for any other purpose except to restore it to health and set it free.[1]

If the law prohibits hunting or trapping game on Sunday, a man who sets a snare on a week day and leaves it open on the following Sunday is liable, if game be caught therein on that day, even though he did not then watch over his snare.[2]

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[1] Watkins *v.* Price, 47 L. J. M. C. 1. See also Molton *v.* Cheeseley, 1 Esp. 123.

[2] Allen *v.* Thompson, 39 L. J. M. C. 102.

CHAPTER VI.

FISH AND GAME CLUBS.

SEC. 1. The State, as the owner in trust for all its citizens of all animals *ferœ naturæ* within its borders,[1] can grant to individuals the right to take game on public land or water, and can also grant to individuals or to corporations organized for the protection and preservation of game such rights and powers as are necessary for the attainment of their object.

Such grants, although they curtail public liberty, do not illegally impair private rights. A statute which gave to any man or any number of men the right to enter upon private lands and without compensation capture the game thereon, and prevented any other men from doing so, would be invalid. But a statute giving to a man or number of men, who have by lease or purchase obtained the privilege of exclusive shooting or fishing on certains lands or waters, the means of protecting their lawfully acquired privilege is undoubtedly valid.

The privilege is property, and as such is entitled to protection. If from the nature of the case this peculiar property needs special means of protection which the common law does not provide, the State can furnish such means by its ordinance.

SEC. 2. The preservation of game, and the protection of the exclusive right to take it, have long been a matter of great importance in England, and will become more

[1] Magner *v.* The People, 97 Ill. 320.

and more so here as the area of wild or uncultivated land decreases and the game becomes scarcer.

As has been stated in the chapter on trespass, this right, if of a permanent nature, must be acquired by a grant from the owner of the real property, to be made and executed with the formality needed for a deed, or must, if the right is to be retained when the real estate is parted with, be expressly reserved in the deed or lease.[1] When the right to take game is legally obtained, questions may arise both between the parties to the contract and between the owner of the right and third persons. As those questions are new in America, we must resort to the decisions of English courts for information, and I therefore cite some of these decisions.

Where a man leased to others the shooting over certain land, giving them "the free and exclusive right and liberty for them and each of them, their and each of their executors, administrators, and assigns, with their and his friends and associates and others (with their and his permission), gamekeepers, servants, and attendants, to hunt, course, fowl, shoot, and otherwise sport in, upon, and over all and every, the farm and premises as often as they or either of them should think fit, and the game, fowl, rabbits, and other things there killed and taken to have, take, and carry away to and for his and their own use, with full and free liberty of ingress, egress, and regress to and from the said farm and lands for the purposes aforesaid," they "doing no wilful hurt or damage to the grain or other produce" of the lessor, it was adjudged that this did not permit the lessees to turn out on the land rabbits and pheasants bred on other lands to such an amount as to damage the crops.[2]

[1] Bird *v.* Higginson, 2 Ad. & El. 696; 6 id. 824. Reg. *v.* Thurlston, 28 L. J. M. C. 106.

[2] Birkbeck *v.* Paget, 31 Beav. 403.

Where a lease had been made of a farm,[1] reserving to the lessors, their friends and servants, and any person with their leave, the right to hunt, shoot fowl, and take game in and upon said lands, doing no wilful nor unnecessary damage to the lessee's corn, grass, hay, woods or fences, the lessor had no right to tread over standing crops at an unusual time, nor had he a right to turn rabbits onto the farm, but only to shoot such as were there at the date of the lease, and their progeny.

SEC. 3. A right to shoot game for a term of years over land will not entitle its possessor to claim damages from a railroad company which, by taking part of the land for its tracks, etc., seriously damages the shooting.[2] The court also said that the lessee took by his contract the right of shooting if there was game, and of fishing if there was fish; but there was no contract on the part of the landlord to keep up the quantity of game or fish. No doubt an action would lie against him if, after having let the right of shooting and fishing, he wilfully did something to destroy the fish or prevent the access of game to the land. But a mere conveyance of part of the land to a railway company gave the lessee no right against them or the landlord.

In 1871 P. hired a farm for a term of twenty-one years, and at the same time obtained the right to shoot over other land whereon were valuable coverts, and the right to shoot on this other land was a main inducement to him to hire the farm. In 1874 C., who had purchased this other land, advertised it for sale in lots for building purposes, and also proposed cutting a road through the land. The notices of sale stated that the land would be sold subject to plaintiff's right to shoot.

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[1] Hilton *v.* Green, 2 Foster & F. 821.

[2] Bird *v.* Great Eastern R. Co., 19 C. B. N. S. 268.

Upon an application to restrain the sale the court refused to grant it, saying that a mere sale subject to P's right would be no injury to him; but that if by cutting down hedges, or building a house near a covert, actual damage was threatened, an injunction against such acts would be granted.[1]

In another case a man granted for a term of years the right to take game on his land; thereafter he wished to cut timber on said land and erect a saw-mill thereon, which acts would naturally disturb the game. A temporary injunction was granted, which upon argument was dissolved, one of the judges saying that "the right of shooting is a right to shoot over the land as the land may happen to be at the time, the landlord of course not doing anything for the express purpose of injuring the right of shooting." And another judge declared that "it is preposterous to suppose that a man who grants a shooting lease for twenty-one years is to be dictated to by the court as to whether he shall cut down a tree or remove a coppice, because by so doing he would be driving away the hares or interfering with the pheasants."[2]

E. let a farm to R., reserving the exclusive right of hunting, shooting, fishing and sporting, which right he afterwards let to J., and covenanted with him for his quiet enjoyment of such right without interruption from persons claiming through him. R. shot rabbits and grubbed up thirty or forty acres of gorse, whereby the game coverts were broken up and the value of the shooting right diminished. J. sued E. for damages. The court held that as the shooting of rabbits by R. was a wrong, E. was not responsible therefor, and that R. had

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[1] Patisson *v.* Gilford, L. R. 18 Eq. 259.
[2] Gearns *v.* Baker, L. R. 10 Ch. 255.

a right to grub up the furze coverts and destroy the brush-wood in the reasonable use of the farm; and that this was no eviction from the right of shooting and sporting, for the same right of shooting remained when the land became arable, and the covenant was only that the plaintiff shall have the shooting there.[1]

In 1844 defendant had leased certain farms to plaintiff. Before the lease was executed a memorandum had been indorsed thereon whereby the exclusive right of shooting over and killing the game upon the leased land and certain others adjacent thereto was given to plaintiff, he agreeing to keep and leave a fair stock of game on the land.

This memorandum was signed by the plaintiff only. In 1859 defendant notified plaintiff that he revoked this memorandum agreement, and forthwith sent men onto the leased lands to kill game.

Plaintiff brought suit to compel a specific performance of the agreement by the delivery to him of a proper and legal grant of the right to take game, and obtained a temporary injunction restraining defendant from interfering with the game. A motion being made to dissolve the injunction, the Vice-Chancellor said: "This memorandum is a mere writing not under seal, and the case of Wood *v.* Leadbitter (13 M. & W. 842) has decided that in order to acquire a right such as is here claimed by plaintiff, an instrument under seal is necessary, and that at law an instrument purporting to give such a right, though given for a valuable consideration, is revocable at any time and without paying back the money." At law, therefore, the plaintiff has no remedy until the defendant shall have executed a deed containing a proper and legal grant of the exclusive right of sporting in accordance with the terms of the agreement.

[1] Jeffreys *v.* Evans, 34 L. J. C. P. 261.

. . . Under these circumstances it appears to me that the plaintiff is clearly entitled to an injunction until the defendant shall have executed a proper legal grant of the right claimed by plaintiff.[1]

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[1] Frogley *v.* Earl of Lovelace, 1 Johns. (Eng.) 333.

APPENDIX.

GAME LAWS OF

ALABAMA.

OPEN SEASON.

In Mobile, Monroe, Baldwin, Marengo, Hale, Lowndes, Dallas, Montgomery, Green, Wilcox, Talladega, Pickens, Antanga, Chilton, Clay, and Jefferson Counties, and in Bibb County east of Cahaba River.

Deer	Oct. 20 to Feb. 14.
Wild turkeys	Oct. 20 to May 1.
Turtle doves	Aug. 1 to April 1.
Quail	Sept. 15 to March 15.
Wild ducks	Oct. 1 to May 1.

In Perry County.

Deer	Oct. 20 to Feb. 14.
Wild turkeys	Oct. 1 to May 1.
Doves	Aug. 1 to March 1.
Quail	Oct. 15 to March 1.
Wild ducks	Oct. 1 to May 1.
Snipe and robin	Not protected.

Green and Pickens Counties.

Deer	Sept. 15 to Feb. 1.
Wild turkeys	Sept. 15 to April 15.
Doves	Aug. 1 to April 1.
Quail	Oct. 15 to March 15.
Wild ducks	Oct. 1 to April 1.

Lamar County.

Deer	Oct. 1 to April 1.
Wild turkeys	Oct. 1 to May 1.

Barbour County (beat 5).

Wild turkeys.....Oct. 20 to May 1.
Quail .....Sept. 15 to May 1.
Doves.....Aug. 1 to May 1.

Lawrence County.

Deer, partridge, quail, rabbit.....Sept. 1 to April 1.

MODE OF CAPTURE.

Night shooting and use of sneak-boats or batteries in hunting wild ducks; catching fish by net or poison in Tennessee River and its tributaries, forbidden.

POSSESSION AND TRANSPORTATION OF GAME.

Limited to open season.

ARKANSAS.

OPEN SEASON.

Wild duck, doe, fawn.....Sept. 1 to Feb. 1.
Wild turkeys..... Sept. 1 to May 1.
Pinnated grouse .....Sept. 1 to Feb. 1.
Quail.....Oct. 1 to March 1.

MODE OF CAPTURE.

Taking grouse, quail or prairie chicken, with nets, etc., except on one's own land, prohibited.

Use of deleterious, poisonous, or explosive substances for catching fish; use of nets (except minnow seines) at the mouths of streams, etc., prohibited. But use of seine 60 feet long in unnavigable streams, for family use or picnics, or on navigable streams of seine whose meshes are 3 inches in size, allowed.

POSSESSION OF GAME.

During close season prohibited.

TRANSPORTATION OF GAME.

During close season prohibited. Nests of insectivorous and game birds protected.

CALIFORNIA.

OPEN SEASON.

Quail, partridge, grouse, rail.....Oct. 1 to March 1.
Doves.....June 1 to Jan. 1.
Male deer.....July 1 to Nov. 1.
Speckled trout, brook, or salmon trout.....April 1 to Nov. 1.
Salmon, except when caught with net or seine, between sunrise on Saturday and noon on Sunday, which is, in that event, close season.....Sept. 1 to July 31.
Shad.....Dec. 31 to April 1.

Killing antelope, elk, mountain sheep, female deer or doe, and spotted fawn prohibited at all times.

LOCAL LAWS AND SEASONS.

Siskiyou County.

Grouse, sage hen and prairie chicken. Aug. 1 to April 1.
Quail.....Oct. 1 to March 15.
Mallard duck, wood duck, teal duck, spoonbill duck and all other species of wild duck.....Sept. 15 to April 15.
Elk, deer, antelope, mountain sheep. Aug. 1 to Feb. 1.
Trout may be taken with hook and line at all seasons.

Nevada County.

Elk, deer, antelope.....Aug. 1 to Feb. 1.

Napa County.

Hunting or fishing in inclosed lands in that part lying east of Napa River without permission of owner prohibited.

Plumas, Lasson and Sierra Cos.

Quail, partridge, grouse.....Sept. 15 to March 1.
Mallard, wood, teal, spoonbill, or any kind of hoodbill duck.....Aug. 15 to March 15.

Plumas and Sierra Counties, and Independence Lake.

Trout.....July 15 to May 15.
Ducks.....Aug. 15 to March 15.

Yolo County.

Hunting on inclosed lands during the months of June, July, August, September and October, prohibited.

San Francisco and Butte Counties.

Hunting on private land without permission of owner prohibited.

San Bernardino and Los Angeles.

Quail, grouse, and all broad-bill ducks.....Aug. 1 to April 1.

San Mateo County.

Hounding deer prohibited.

Lakes Merritt and Peralta.

Fishing except with hook and line, and hunting within one hundred yards of lake prohibited.

Santa Clara, Alpine, Santa Cruz, Lake, San Mateo, Monterey, Sonoma, Tuolumne, Alameda, Marin, San Luis Obispo, Placer, Nevada, Plumas, Sierra, Solano, Mariposa, Mendocino, Napa Counties.

Taking trout at any time except with hook and line prohibited.

REGULATIONS CONCERNING CAPTURE OF GAME.

Taking quail, partridge or grouse with net, pound, weir, cage or trap; or fish with pound, weir set-net or trap or other permanent contrivance, or taking fish too small to be marketed, forbidden.

POSSESSION OF GAME.

During close season prohibited.

Insectivorous birds and their eggs and also the eggs of all varieties of wild duck protected.

COLORADO.

OPEN SEASON.

Partridge, pheasant, prairie chicken, grouse.....Oct. 1 to Nov. 15.

Elk, deer, buffalo, antelope.....Oct. 15 to Jan. 1.

Mountain sheep protected till April 7, 1895.

Trout or other food fish.....July 1 to Nov. 1.

MODE OF CAPTURE.

Netting or trapping birds, game animals or fish; use of explosive or poisonous substances; killing wild animal for its skin or having such skin in possession, or killing more than is needed for food, are forbidden.

Trespass on inclosed lands punishable.

POSSESSION OF GAME.

Restricted to open season, but dealers may import from other States.

INSECTIVOROUS BIRDS.

Birds except the four above named are protected.

CONNECTICUT.

OPEN SEASON.

Woodcock, quail, partridge, gray squirrel.....Oct. 1 to Jan. 1.
Wild duck, geese, brant.....Sept. 1 to May 1.
Bobolink, rice bird, robin, lark.....Sept. 1 to Feb. 1.
Rail.....Sept. 12 to Jan. 1.
In New Haven, Fairfield and Litchfield Counties.....Aug. 20 to Jan. 1.
Trout.....July 1 to April 1.

MODE OF CAPTURE.

Sunday hunting, netting or trapping woodcock, quail or partridge, except on one's own land; sailing for wild fowl or use of any but shoulder guns; use of explosive or deleterious substances in fishing; taking trout less than six inches long; catching trout, pike, or muscalonge, except with hook and line, are forbidden.

LOCAL LAWS AND SEASONS.

Killing wild fowl on the Housatonic River between Washington bridge and house of George Smith forbidden. Fishing in certain ponds forbidden without consent of owners.

POSSESSION OF GAME.

Restricted to the open season.

TRANSPORTATION OF GAME.

Woodcock, ruffed grouse and quail must not be carried out of the State.

POSTED GROUNDS.

Provided for by laws of 1877, ch. 57, 1881–2, § 5. It is unlawful to hunt with gun and dog within the inclosed premises of another, whether persons or corporations, without permission from the owner, agent, or occupant thereof, provided such owner shall have placed six printed signs or notices, in six different conspicuous places on said premises, each board notice to be at least one foot square, and the letters to be plainly made. § 6. Any person violating section five of this act shall be deemed guilty of a misdemeanor, and shall be fined not less than $7 nor exceeding $25, exclusive of any damage by trespass.

INSECTIVOROUS BIRDS, including robin and lark, can be killed only on one's own land.

DAKOTA.

OPEN SEASON.

Deer, buffalo, elk, antelope, mountain sheep.....Sept. 1 to Jan. 1.
Prairie chickens, grouse, snipe, plover, curlews.....Aug. 15 to Jan. 1.
Quail protected (except as below) till Aug. 15, 1888.
Bass, muscalonge, pike, pickerel, perch.....May 1 to Feb. 1.

LOCAL LAWS.

Clay, Union and Yankton Counties.
Quail.....Aug. 15 to Jan. 1.
Clay, Union and Lincoln Counties.
Deer.....Oct. 1 to Jan. 1.

MODE OF CAPTURE.

Fishing, except with hook and line, except in Missouri and Red rivers, and at any inlet or outlet of a lake, from.....March 1 to Oct. 1.

POSSESSION OF GAME.

Killing or having for sale, or for any purpose but consumption within the territory, any plover, snipe or curlew, forbidden.

DELAWARE.

OPEN SEASON.

Ortolan, rail, reed bird.....Sept. 1 to Jan. 1.
Pheasants, quail, woodcock, hares,
rabbits.....Nov. 15 to Feb. 15.
Kent, Sussex, and New Castle Counties. Nov. 15 to Jan. 15.

MODE OF CAPTURE.

Night shooting; netting or trapping game; use of ferrets, or of artificial light to catch muskrats, forbidden.

NON-RESIDENTS may not kill game or game fish without license from the Delaware Game Protective Association.

Any non-resident found trespassing upon any private property with either dog or gun, not having license from the Delaware Game Protective Association, is liable to be arrested where found trespassing, on a charge of misdemeanor, and fined $20, and in default of payment, imprisoned not less than ten nor more than twenty days.

POSSESSION OF GAME.

Limited to open season.

TRANSPORTATION of partridges, quail, woodcock, or rabbits killed in the State, for sale out of the State, forbidden.

DISTRICT OF COLUMBIA.

OPEN SEASON.

Partridge or quail.....Nov. 1 to Feb. 1.
Pheasant. .....Aug. 1 to Feb. 1.
Woodcock.....July 1 to Feb. 1.
Prairie chicken.....Sept. 1 to Feb. 1.
Snipe and plover.....Sept. 1 to May 1.
Wild duck, wild goose, and wild brant, Sept. 1 to April 1.
Water rails, ortolan, reed-bird, and rice bird, Sept. 1 to Feb. 1.
Deer.....Aug. 15 to Jan. 15.
Shad and herring.....Jan. 1 to June 1.

LOCAL LAWS AND SEASONS.

Potomac River.

Fishing therein, otherwise than with hook and line between May 30 and Jan. 1, prohibited.

During fishing season, viz., from Jan. 1 to May 30, there is a close season every week, beginning at sundown on Saturday and ending at midnight on Sunday, during which time all nets, seines, etc., must be taken from the water.

MODE OF CAPTURE.

Trapping and snaring of wild birds and water fowl; use of gun other than shoulder gun for shooting and killing wild duck, wild goose, and wild brant; killing or shooting any bird or wild fowl in the night time; shooting or carrying a gun in the open air on Sunday; taking black bass and salmon by other means than by hook and line, prohibited.

POSSESSION OF GAME.

During close season prohibited.

POSTED GROUNDS.

Act of June 15, 1878.

SEC. 15. Enacts that any person who shall knowingly trespass on the lands of another for the purpose of shooting or hunting thereon, after due notice or notice as provided for in the following section by the owner or occupant of lands, shall be liable to such owner or occupant in exemplary damages to an amount not exceeding $100, and shall also be liable to a fine of $10 for each and every trespass

so committed. The possession of implements of shooting on such lands shall be presumptive evidence of the trespass.

SEC. 16. That the notice referred to in the preceding section shall be given by erecting and maintaining sign boards at least 8 by 12 inches in dimensions on the borders of the premises, and at least two such sign boards for every 50 acres.

Penalty for tearing down, injuring, or defacing such sign boards not less than $5 or more than $25 for each.

Insectivorous birds and the eggs, nests, and young of wild birds protected.

FLORIDA.

OPEN SEASON.

Deer, wild turkeys, quail, partridge, Sept. 1 to April 1.

In all the counties wherein the county commissioners have published the law.

Sea birds and birds of plume protected at all times.

Non-residents desiring to hunt game of any kind must obtain license from clerk of county where they wish to hunt, paying therefor $25. Not more than six persons may be included in one license. Fee for each additional person $5. No one, except citizen of United States, can kill birds for their plumage on any lands or waters of State or within marine league of coast.

POSTED LANDS.

It is unlawful to enter upon the lands of another that are posted without permission of the owner or occupant, to hunt or fish, under a penalty not to exceed $20, or imprisonment. Ten days' notice by posters must be given, and such notice must be posted in three conspicuous places around the premises sought to be protected.

GEORGIA.

OPEN SEASON.

Richmond, Dougherty, Randolph, Calhoun, and Baker Counties.

Deer, partridge.....Oct. 1 April 1.

Placing of deleterious substances in waters, or trapping or hunting fish or game on the advertised lands of another prohibited. Insectivorous birds and their nests and eggs prohibited.

Muscogee, Lincoln, and Baldwin Counties.

Doe, fawn.....July 1 to Jan. 1.

Buck..... { Nov. 1 to March 1, and May 1 to Sept. 1.

Wild turkey, partridge.....Oct. 15 to March 15.

Trapping or snaring deer, partridge, or wild turkey prohibited. Eggs of game birds protected.

Chatham, Clark, Fulton, Camden, Bartow, Putnam, Floyd, and Whitfield Counties.

Deer, partridge, wild turkey, wild duck, mocking bird, dove, red bird, nonpareil, or any insectivorous bird .....Oct. 1 to April 1.

Trapping or snaring of game or birds prohibited.

Bryan County.

Deer, wild turkey.....Aug. 1 to March 1.

Wild duck, mocking bird, dove, red bird, nonpareil, or any insectivorous bird:.....Oct. 1 to April 1.

Trapping and snaring of birds and game prohibited.

Liberty and McIntosh Counties.

Deer, partridge, wild turkey, wild duck.....Oct. 1 to April 1.

Trapping and snaring of game and birds prohibited.

Cobb and Green Counties.

Wild turkey, partridge.....Oct. 15 to March 15.

Morgan County.

Wild turkey, woodcock, partridge, and quail.....Oct. 1 to March 15.

Lowndes, Thomas, Washington, and Putnam Counties.

Buck, doe, fawn.....Oct. 1 to March 1.

Wild turkey, partridge.....Oct. 15 to March 1.
Eggs of wild turkey and partridge protected.

Houston County.
Partridge, snipe, wild turkey.....Oct. 1 to March 1.
Insectivorous birds protected unless destructive to crops.

Bibo County.
Deer, wild turkey, partridge.....Oct. 1 to April 1.
Dove.....Aug. 1 to April 1.
Hunting without permission of owner prohibited.
Eggs and nests of wild turkeys, partridge, and doves protected.

Jones County.
Insectivorous birds, deer, partridge, wild turkey, wild duck...Oct. 1 to April 1.

Rabun County.
Wild deer.....Oct. 1 to April 1.
Wild turkeys.....Sept. 1 to May 1.

Wilkes County.
Wild turkeys, partridges, mockingbird.....Sept. 1 to April 1.

Chatham County.
Hunting on uninclosed lands without permission of owner forbidden.

Murray County.
Camp hunting by non-residents (except on their own lands) prohibited.

Douglas, Haralson, and Macon Counties.
Camp hunting with dogs prohibited.

Effingham County.
Female deer, fawn, wild turkeys, wild duck, partridge.....Oct. 1 to April 1.
Fishing and hunting on lands of another (whether inclosed or not), without his consent, forbidden.

Cumberland Island, Camden County.
Hunting game or wild birds therein, without permission of landowner, prohibited.

Little Ocmulge River, Telfair County.
Catching of fish therein (except on one's own land) for sale, forbidden.

POSSESSION OF GAME.
During close season prohibited.

IDAHO.

OPEN SEASON.

Wild duck and goose.....Aug. 1 to April 15.
Prairie chicken, sage hen, grouse, pheasant.....July 15 to Feb. 1.
Quail and partridges protected till Sept. 1, 1887.
Buffalo, elk, antelope, mountain sheep.....Sept. 1 to Jan. 1.

LOCAL LAWS AND SEASONS.

Ada County.
Grouse, prairie chicken, and duck..Sept. 1 to March 1.

MODE OF CAPTURE.

Taking fish except with rod or pole and hook and line prohibited.

ILLINOIS.

OPEN SEASON.

Deer, wild turkeys.....Sept. 1 to Jan. 15.
Pinnated grouse.....Aug. 15 to Dec. 1.
Ruffed grouse, quail.....Oct. 1 to Jan. 1.
Woodcock.....July 4 to Jan. 1.

MODE OF CAPTURE.

Black and other bass, salmon and other game fish, can be caught with hook and line only from Feb. 15 to June 15. Use of explosive or medicinal compounds to catch fish; netting and trapping game birds (except woodcock); night shooting of wild fowl, forbidden.

NON-RESIDENTS.

No person who has not resided sixty days in the State may kill wild game.

None but residents of Bend, Fayette, Effingham, Marion, Clay, Richmond, Hamilton, Wayne, Warren, Henderson, and Jersey Counties may kill deer or game birds for sale out of these counties.

POSSESSION OF GAME limited to five days after season closes.

INDIANA.

OPEN SEASON.

Deer.....Oct. 1 to Jan. 1.
Quail or pheasant.....Oct. 15 to Dec. 20.
Wild turkeys.....Nov. 1 to Feb. 1.
Prairie hens or chickens.....Sept. 1 to Feb. 1.
Woodcock.....July 1 to Jan. 1.
Wild duck.....Sept. 1 to April 15.
Fish (with gig or spear).....Jan. 1 to March 1.

Fishing with hook and line allowed at all times and all places.

LOCAL LAWS AND SEASONS.

Ohio River.

Fish allowed to be taken therefrom at any time and in any manner.

St. Joseph and Kankakee rivers.

Fish may be taken therefrom in any manner between April 1 and June 1.

REGULATIONS CONCERNING CAPTURE OF GAME.

Netting or trapping quail, pheasant, prairie chickens, or wild duck of any kind or variety prohibited. Taking fish with net or seine, gun or trap of any kind, or set-net, wire, or pot in any of the lakes, ponds, rivers, or small streams (except in the Ohio, St. Joseph, and Kankakee rivers), prohibited.

Shooting at wild pigeons at or within half mile of any pigeon roosting or nesting—when they are nesting—prohibited.

Trespass on inclosed lands is punishable by a fine.

POSSESSION OF GAME limited to open season.

IOWA.

OPEN SEASON.

Pinnated grouse.....Sept. 1 to Dec. 1.
Woodcock.....July 10 to Jan. 1.
Ruffed grouse, quail, wild turkeys.Oct. 1 to Jan. 1.
Wild ducks, geese, brant.....Aug. 15 to May 1.
Deer and elk..... ....Sept. 1 to Jan. 1.
Beaver, mink, otter, muskrat.....Nov. 1 to April 1.
Bass and wall-eyed pike.....June 1 to April 1.
Salmon and trout.....Feb. 1 to Nov. 1.

No fish but minnows may be caught July 1 to Oct. 1.

MODE OF CAPTURE.

Trapping game, birds, deer, or elk; use of any but shoulder gun; use of poison for birds or fish; spearing or gaffing fish from Nov. 1 to May 31, are forbidden. No one shall in one day kill more than twenty-five each of quail, woodcock, prairie chickens and pheasants.

POSSESSION OF GAME.

Restricted to twenty-five of each kind; may be had five days after season closes.

TRANSPORTATION OF GAME.

Restricted to within the State and to one dozen in any one day from any one person to another one.

KANSAS.

OPEN SEASON.

Pinnated grouse.....Sept. 1 to Jan. 1.
Quail.....Nov. 1 to Jan. 1.

MODE OF CAPTURE.

Snaring quail or grouse; hunting on occupied or improved premises without owners' consent; killing fish by explosive substances, forbidden.

POSSESSION OF GAME.

Allowed ten days after season closes.

INSECTIVOROUS BIRDS.

All birds protected except wild geese, ducks, hawk, harrier, bluejay, crow, snipe, curlew, plover, piper, bittern, heron, crane, and woodpecker.

KENTUCKY.

OPEN SEASON.

Female deer.....Sept. 1 to March 1.
Quail, partridge, pheasant.....Oct. 1 to March 1.
Wild geese, wood duck, teal, or other duck.....Sept. 15 to May 1.
Woodcock.....June 1 to Jan. 1.

LOCAL LAWS AND SEASONS.

Applying to counties in the 15th, 18th, 22d, 23d, 25th, and 26th (except Boone County), 27th and 31st Senatorial districts, Jefferson County (outside city of Louisville) and Kenton County (outside city of Covington), excepting also the counties of Owen, Casey, Estil, and Lee.

Buck, doe and fawn.....Sept. 1 to March 1.
Black, gray, or fox squirrel. (This does not apply to counties embraced within the 15th Senatorial district and to Lincoln County)..Jan. 15 to Feb. 1.
Hare, rabbit (not applicable to counties embraced in the 15th Senatorial district).....Oct. 20 to Feb. 1.
Wild goose, wood duck, teal, or other wild duck.....Sept. 1 to May 1.
Wild turkey.....Sept. 1 to Feb. 1.
Woodcock.....Aug. 15 to Feb. 1.
Quail, partridge, pheasant.....Oct. 20 to Feb. 1.
Dove.....Aug. 1 to Feb. 1.

Taking birds or game with trap, net, or snare prohibited.

Christian, Campbell, Kenton counties.

Quail, partridge, pheasant.....Nov. 1 to March 1.

Woodford County.

Quail, woodcock, pheasant, partridge.....Oct. 1 to Dec. 24.

Lewis, Daviess, and McLean Counties.

Fishing in waters thereof with fish-trap or seine (except ordinary minnow-seine 12 feet long), or stretch or set-net prohibited.

MODE OF CAPTURE.

Trapping game animals; taking fish with net or other contrivance (except trot-lines and gigs and minnow-nets), or by use of any deleterious substance or explosive agent, except in Ohio and Cumberland rivers, below the mouth of Rockcastle River, and in lakes in the Ohio and Mississippi River bottoms, prohibited.

POSSESSION OF GAME.

During close season prohibited.

POSTED GROUNDS.

Any person knowingly trespassing upon the land of another for the purpose of hunting or fishing, after public notice by the owner or occupant, is liable to such owner or occupant to an amount not exceeding $25, besides all actual damage said owner or occupant may suffer by such trespass—presence on the lands of another with dogs or implements of hunting or fishing is evidence of the purpose of trespass. The notice referred to shall be given by erecting and maintaining sign boards at least one foot square, in at least two conspicuous places on each side of the premises intended to be protected, such sign boards to have thereon the word posted, and the name of the owner or occupant of the lands. Any person who shall tear down, destroy, or deface any such sign board shall be fined not less than $5 nor more than $25.

LOUISIANA.

OPEN SEASON.

Buck, doe, fawn .....Oct. 1 to March 1.
Wild turkeys.....Oct. 1 to April 15.
Quail, partridge, pheasant.....Oct. 1 to April 1.

POSSESSION OF GAME.

During close season prohibited.

TRANSPORTATION OF GAME.

During close season prohibited.

Insectivorous and song-birds protected, unless they prove destructive to fruit or grain crops.

MAINE.

OPEN SEASON.

Moose, deer, caribou.....Oct. 1 to Jan. 1.
Mink, beaver, sable, otter, fisher, muskrat.....Oct. 15 to May 1.
Wood-duck, dusky or black duck, or other sea ducks.....Sept. 1 to May 1.
Ruffed grouse or partridge, woodcock (for consumption as food)..Sept. 1 to Dec. 1.
Quail and pinnated grouse.....Sept. 1 to Jan. 1.
Plover.....Aug. 1 to May 1.
Salmon.....April 1 to July 15. (Also with hook and line from July 15 to Sept. 15.)
Smelts, except by hook and line...Oct. 1 to April 1.
Land-locked salmon, trout, togue..May 1 to Oct. 1.

During February, March, and April citizens of the State may fish for and take the above to their homes.

Black bass, Oswego bass, white perch.....July 1 to April 1.

LOCAL LAWS AND SEASONS.

Rangely lakes and tributaries.

Taking of trout and land-locked salmon from Rangely Lake during February, March, and April, and from Rangely Stream, between certain points, South Bog Stream, Bemis Stream, Cupsuptic Stream, from July 1 to May 1. From Kennebago Stream, between certain points, September 1 to May 1, prohibited.

Round Brook, in Dayton, York County; Deep Brook in Saco, York County.

Fishing for all kinds of fish prohibited until February 16, 1888.

Misery, Saccatien, Socatian rivers.

Taking of all fish therefrom between September 10th to May 1st prohibited.

Pickerel or Warren Pond; Holland or Philpot Pond; Chadbourn Brook in Limerick; Berry or Sand Pond in Limington.

Fishing prohibited until February 19, 1888.

Wilson's Pond.

Fishing therein prohibited until February 21, 1891.

Allen Pond.

Fishing therein prohibited between November 1st and May 1st.

Taylor Pond.

Fishing prohibited until February 21, 1890.

Garland Village Pond, J. F. Crowell's Pond.

Fishing prohibited from May 1st to November 15th.

Winnegance Creek.

Fishing therein for bass, except in January and February, prohibited.

Canaan Pond.

Fishing therein prohibited until February 21, 1895.

REGULATIONS CONCERNING CAPTURE OF GAME.

Hunting or killing moose, deer, or caribou with dogs; taking of mackerel, herring, porgies, and menhaden by use of purse or drag seines in small bays, inlets, harbors, or rivers; of blue-back trout with net, seine, weir, or trap; of sea salmon, land-locked salmon, trout, togue, black bass, Oswego bass or white perch with grapnel, spear, trawl, weir, net, seine, trap, spoon, or set-line in all fresh-water lakes, ponds, and streams, or taking of wild duck of any variety (except on the coast), quail, grouse, partridge, or woodcock with trap, net, snare, device, or contrivance, other than the usual method of sporting with fire-arms, or taking or destroying any fish (except in tide waters) with net, seine, weir, or trap, or killing or destroying any sea salmon or land-locked salmon less than nine inches in length, or any trout less than five inches in length, prohibited.

No weir, hedge, or set-net shall extend into more than two feet depth of water at ordinary low water.

Between the 1st day of April and the 15th day of July there shall be a weekly close time of forty-eight hours, from sunrise on each Saturday morning to sunrise on the following Monday morning, during which time no salmon, shad, alewives, or bass shall be taken. During the weekly close time all seines, nets, and other movable apparatus shall be removed from the water. This does not apply to the Kennebec, Androscoggin, or Penobscot rivers

or their tributaries, or to the St. Croix river, below the breakwater, at the ledge.

POSSESSION OF GAME.

Possession of ruffed grouse or partridge and woodcock allowed during September, October, and November, to be consumed as food, and of land-locked salmon, trout, and togue during February, March and April, and caught by citizens of the State, allowed.

No person shall have in his or her possession in open season more than one moose, two caribou, or three deer. Possession of over fifty pounds of land-locked salmon, trout, or togue in all at any one time for purpose of transportation, prohibited.

TRANSPORTATION OF GAME.

Transportation of game, birds, or fish during close season, prohibited.

Transportation of land-locked salmon, trout, or togue, except in possession of owner thereof, and then only to the amount of fifty pounds in all, at any one time, prohibited.

POSTED GROUNDS.

Private fishing grounds may be protected by posting notices placed on the banks or shores of such protected waters, not more than ten feet and not less than six feet above the ground, in a conspicuous position; and if on running water, such notices shall be not more than one-half mile apart on the bank of such waters; and if on a pond or lake, not more than one mile apart on the shores of such pond or lake. Said notices shall be painted on wood, in black letters, not less than two inches in length and not less than one-half inch in breadth, so that such letters shall be plainly legible, and such notices shall state the number of the act and the date of same giving the said protection to such waters.

INSECTIVOROUS BIRDS protected.

MARYLAND.

OPEN SEASON.

Quail or partridge.....Nov. 1 to Dec. 24.
State law.
County laws,
Howard, Carroll, St. Mary's.....Oct. 1 to Jan. 1.
Calvert, Prince George, Anne Arundel.....Nov. 1 to Jan. 11.
Baltimore.....Oct. 1 to Dec. 26.
Caroline, Wicomico, Dorchester, Somerset.....Nov. 1 to Feb. 1.
Talbot, Alleghany, Frederick.....Oct. 15 to Jan. 1.
Kent.....Oct. 25 to Jan. 15.
Montgomery.....Oct. 15 to Dec. 15.
Washington.....Oct. 20 to Dec. 25.
Queen Anne.....Nov. 1 to Dec. 2.
Garrett.....Nov. 1 to Jan. 1.
Cecil.....Oct. 15 to Jan. 2.
Harford.....Oct. 15 to Dec. 26.

Woodcock.
State law.....June 15 to Feb. 1.
County laws.
Cecil, Harford, Montgomery.....June 10 to Jan. 1.
Alleghany, Baltimore, Dorchester..June 15 to Feb. 1.
Caroline and Queen Anne.....July 4 to Feb. 1.
Talbot.....June 15 to Jan. 1.
Wicomico.....Sept. 1 to Jan. 1.
Howard, Carroll, St. Mary's.....June 10 to Feb. 1.
Calvert, Somerset, Washington.....July 12 to Dec. 25.

Ruffed grouse (pheasant).
State law.....Aug. 15 to Jan. 1.
Local laws.
Howard, Carroll, St. Mary's, Calvert, Somerset.....Aug. 1 to Feb. 1.
Baltimore, Alleghany.....Sept. 1 to Jan. 1.
Dorchester.....Aug. 15 to Jan. 1.

Montgomery, Cecil, Harford.....Sept. 1 to Feb. 1.
Washington.....Aug. 12 to Dec. 25.

Rabbits.

State law.....Oct. 15 to Jan. 15.

Local laws.

Washington County.....Sept. 1 to Dec. 25.
Alleghany and Talbot.....Oct. 15 to Jan. 1.
Anne Arundel and Frederick.....Oct. 1 to Feb. 1.
Baltimore and Caroline.....Nov. 1 to Jan. 1.
Cecil.....Oct. 15 to Jan. 2.
Dorchester.....Oct. 15 to Jan. 15.
Harford.....Oct. 15 to Dec. 26.
Kent.....Oct. 25 to Jan. 15.
Prince George's.....Oct. 15 to Feb. 1.
Queen Anne's.....Nov. 1 to Dec. 24.
Wicomico.....Nov. 1 to Feb. 1.

Wild fowl.

Worcester County.....Nov. 1 to April 1.
(As to other counties see below.)
Robins.....Oct. 1 to March 1.
In Prince George, Talbot and Montgomery Counties.....Sept. 1 to May 1.
Trout (State law).....April 1 to Aug. 16.
Mink, Otter, Muskrat.
Wicomico County.....Dec. 15 to March 15.

REGULATIONS CONCERNING CAPTURE OF GAME.

Wild fowl.

State law.

No person shall, at any time, in, on, or over the waters of the State of Maryland, shoot at or shoot any water fowl bedded in flocks, either upon the feeding or roosting grounds of said water fowl, or elsewhere, or from any vessel, boat, float, canoe, or any craft of any kind whatever; nor shoot at any wild water fowl from any booby blind or artificial point erected at a greater distance than one hundred yards from the natural shore from which the same be extended; nor shoot any water fowl while flying about their feeding-grounds or elsewhere over the waters aforesaid, from any vessel, boat, float, canoe, or craft of any kind, reserving, nevertheless, to any citizen of any county bordering on the waters aforesaid, and to whomsoever they may extend the privilege, the right to shoot from boats other than sink-boats or sneak-boats.

Local laws.

Harford and Cecil Counties.

Sec. 1. All that part of the Chesapeake Bay and its waters lying northward of the line beginning at the light-house on Turkey point in Cecil County, and drawn westward to a point half a mile north to the most northerly part of Spesutic Island, thence continuing said line still westward within half a mile of and north of the northern end of said island and the adjacent mainland, until it reaches the shore in Harford county, at or near Oakington, is subject to the following regulations:

Sec. 2. The season for shooting wild fowl northward of the line described in section one shall begin on the 1st day of November, and continue until the 31st day of March next succeeding, and it shall be unlawful to kill or shoot at wild fowl northward of said line (except from ashore), and southward of a line drawn east from Point Concord light-house, in Harford County, to Carpenter's Point, on the western shore of Cecil County, at any other time.

Sec. 3. No person shall kill or shoot at any wild fowl in, on, or over the waters lying northward of the line described in section one, in the night time, with gun or guns of any size or description whatever.

Sec. 4. No person shall, at any time, either in the day or night time, kill or shoot at any wild fowl in, on, or over the waters lying northward of the line described in the first section, from any vessel, boat, float, canoe, sneak-boat, sink-boat, or any other craft of any kind or description whatever, within half a mile from any shore in Harford or Cecil Counties; nor kill or shoot at wild water fowl in, on, or over the waters of Chesapeake Bay from any boat, box, or vessel of any kind or description whatever, with any big or swivel gun, or any kind of gun weighing over fifteen pounds.

Sec. 5. No person shall gun for, shoot at, or kill any wild water fowl northward of the line described in the first section, but three days in each week until the 1st of January, during the season for shooting wild fowl, as fixed by the second section, and those days shall be Monday, Wednesday, and Friday; and on and after the 1st day of January, shall be Monday, Wednesday, Friday, and Saturday, until the end of the shooting season for wild fowl as aforesaid;

each of said days shall comprehend the time intervening between one hour before sunrise A.M., and half an hour after sunset P.M. of each day, and no more, and is not to include any period of a night.

The use of sink-box or sneak-boat to shoot wild fowl is forbidden without a license from the clerk of the Circuit Court of Harford and Cecil Counties, authorizing the owner of such boat to shoot at wild fowl north of the line mentioned in the act above referred to, and at a distance of at least half a mile from the shore of said counties, from November 1 to March 31. But no person so licensed may anchor or station his boat during said season on any water lying north of said line on any Tuesday, Thursday, Saturday, or Sunday, prior to the 1st day of January; and on and after said 1st day of January, on any Tuesday, Thursday, or Sunday, nor until the hour of five A.M. on the morning next succeeding each of said days above specified; and no person holding a license as above described and engaged in gunning for wild fowl, shall go on or over said waters with sink-box, sneak-boat, or other vessel or craft before the hour of five A.M. on the morning of the day next succeeding each of the days as above specified.

Baltimore and Harford Counties.

Use of sink-box, sneak-boat or swivel gun in shooting wild fowl on Chesapeake Bay, adjacent to these counties out to the middle of the bay; night shooting and shooting at wild fowl on their feeding or roosting grounds, and erection of any booby-blind or artificial point more than one hundred yards from natural shore, forbidden.

Talbot County.

Sink-boxes may be used by residents of the county in waters not less than three hundred yards wide; use of artificial light or nets, or traps to catch wild fowl, forbidden.

Anne Arundel County.

Use of any but shoulder gun forbidden. Clerk of the Circuit Court of the county may license any resident of the State owning a sink-box, craft or sneak-boat to use the same in shooting wild fowl on the waters of the county from Oct. 1 to May 1; a booby-blind or brush-blind can be used on the South River only on Tuesdays, Thursdays, and Saturdays; no such blind can be built within three hundred yards of an existing blind; license to erect a blind must be

obtained from the clerk of the Circuit Court. The owner of a blind can authorize other persons to shoot therefrom.

Cecil and Kent Counties.

Citizens of these counties may shoot wild fowl from sink-boats on Sassafras River, on Mondays, Wednesdays, and Fridays from Nov. 1 to March 31, on obtaining a license from the clerk of the Circuit Court.

Queen Anne's County.

Persons who have lived in the county for one year can obtain from clerk of Circuit Court a license to use a sink-box in wild fowl shooting in the waters of this county. (The middle of the channel of Chester River divides Queen Anne's and Kent Counties, and the middle of the channel of Eastern Bay and Wye River divide Queen Anne's and Talbot Counties.)

Worcester County.

Trapping, night shooting and use of any but shoulder gun for wild fowl forbidden.

Trout (State law).

Taking by means of fish basket, seine, net, or trap, forbidden.

NON-RESIDENTS.

In Caroline and Queen Anne's Counties a license to shoot or trap must be obtained each year from the clerk of the Circuit Court.

In Talbot County no one not a *bona fide* resident of said county shall kill, shoot, or trap any partridge, woodcock, or rabbit within the limits of said county; but any occupant may extend the privilege of killing said game upon his own land to whomsoever he may choose.

Non-residents of Anne Arundel, Prince George, St. Mary's, Charles, and Calvert Counties may not shoot or trap wild fowl, snipe, or ortolans on the Patuxet River, its tributaries, or bordering marshes.

Non-residents of Prince George's and Anne Arundel Counties may not at any time hunt, kill, or trap any birds within those counties without permission of the owner of the land whereon they hunt.

TRESPASS.

Is punishable both under State and County laws.

POSSESSION OF GAME.

Is limited to open season.

In Washington County.

It is unlawful to sell or attempt to sell any pheasants, partridges, wild turkeys, deer, squirrels, or rabbits, at any season of the year, that may have been shot, killed, or entrapped in Washington County. It is unlawful for any one to ship, for the purpose of selling elsewhere, any pheasant, partridge, wild turkey, deer, squirrel or rabbit.

In Frederick County.

It is unlawful to sell, barter, or trade any pheasants, partridges, squirrels, or woodcock that have been taken, trapped, or shot in Frederick County. It is unlawful for any one to hire, or employ anyone, to shoot, take, or trap, or snare any pheasants, partridges, squirrels, or woodcock in Frederick County. It is unlawful for anyone to enter into any bargain or engagement of any kind, by which any profit or advantage is to be derived to either party, for shooting, taking, trapping, or ensnaring any pheasants, partridges, squirrels, or woodcock in Frederick County.—It is unlawful for anyone to ship, attempt to ship, or to sell to anyone for the purpose of shipping, to any place beyond the limits of Frederick County, for the purpose of sale, barter, or trade, any pheasants, partridges, squirrels, or woodcock, shot, taken, snared, or trapped in Frederick County.

In Worcester County.

No person, corporation, or company, shall at any time kill, or expose for sale, transport, or have in possession, any quail or partridge, wooodcock, Wilson or English snipe, English or French mocking bird, rabbit, wild duck, wild goose, brant, or swan, after the same has been killed, for any purpose except for consumption as food within that county.

MASSACHUSETTS.

OPEN SEASON.

Woodcock, partridge.....Sept. 1 to Jan. 1.
Quail.....Oct. 15 to Jan. 1.
Wood or summer duck, black duck and teal.....Sept. 1 to April 1.
Carolina or turtle dove, herring gull, tern, sea swallow, mackerel, gull.....Aug. 1 to May 1.
Deer.....Tuesdays, Wednesdays, Thursdays, and Fridays in November.

Deer are absolutely protected in Plymouth and Barnstable counties.

Plover, snipe, sandpiper, rail or any marsh, beach or shore birds, except chicken and black-breasted plover, red-breasted sandpiper, winter yellow-legs, and Wilson's snipe, which are not protected.....July 15 to April 1.
Gray squirrel, hare, rabbit.....Sept. 1 to March 1.
Salmon.....May 1 to Aug. 1.
Trout.....April 1 to Oct. 1.
Smelts.....June 1 to March 15.
Land-locked salmon, lake trout....April 1 to Sept. 1.
Black bass.....July 1 to Dec. 1.

Except in Connecticut River and its tributaries.

LOCAL LAWS.

Apply to Merrimac and Connecticut rivers, Davol's, Richmond and City of Worcester ponds, Lake Cochituate, Avery Brook and East Head.

MODE OF CAPTURE.

Use of ferrets, battery or swivel guns, torch or jack lights; netting or trapping game (except partridges, hares or rabbits, between September 1 and January 1, on one's own land or by leave of owner); killing deer in or within two hundred yards of pond or river; killing at any time

prairie chicken except on one's own land and placed there by land-owner; use of deleterious substances or other means than rod and line to catch salmon, trout or bass, are forbidden.

POSSESSION OF GAME.

Is restricted to the open season except in case of quail and prairie chickens, which, if not taken and killed within the State, may be held until May 1.

POSTED LANDS.

Wherever the owner of any land shall conspicuously post on the same, notices that shooting or trapping is prohibited thereon, it shall be unlawful for any person to enter upon such land for the purpose of shooting or trapping, without permission of the owner thereof. Game artificially propagated and maintained upon lands, posted as above, shall be the exclusive property of the person propagating and maintaining the same; but such person shall not sell such game for food at seasons when its capture is prohibited by law. Whoever offends against any of the provisions of this act shall be punished by a fine not exceeding $20.—Chap. 308, laws 1884.

MICHIGAN.

OPEN SEASON.

Deer (upper peninsula).....Aug. 15 to Nov. 15.
Deer (lower peninsula).....Oct. 1 to Dec. 1.
Wild turkeys.....Oct. 1 to Jan. 1.
Woodcock.....Aug. 1 to Jan. 1.
Ruffed grouse, wood, teal, mallard and gray ducks.....Sept. 1 to Jan. 1.
Water fowl and snipe.....Sept. 1 to May 1.
Quail.....Nov. 1 to Jan. 1.
Pinnated grouse.....Sept. 1 to Nov. 1.
Elk, protected until May, 1889.
Trout.....May 1 to Sept. 1.
Grayling.....June 1 to Nov. 1.

LOCAL LAWS.

Fish cannot be taken from Reed or Fisk lakes, Dia-

mond or Stone lakes, or any lake in the Westervelt township from Nov. 1 to May 1, nor in inland lakes of Oceana County from Jan. 1 to April 1, nor in lakes of Kalamazoo County from March 1 to July 1, nor in Devil's lake, Round lake, Whitmore and Brace lake, from Dec. 1 to April 1.

MODE OF CAPTURE.

Spearing or shooting fish in the above-mentioned lakes; killing deer in the water or in trap or pit-fall; netting or trapping game birds; use of swivel or punt gun; shooting wild pigeons within five miles of pigeon nesting, forbidden; trespass on inclosed lands punishable.

POSSESSION OF GAME.

Allowed for eight days after season closes. No deer in its red, or fawn in spotted, coat, or any such skin of deer or fawn, can lawfully be possessed.

TRANSPORTATION OF GAME.

Deer, ruffed and pinnated grouse, quail and wild turkeys, cannot be carried out of the State.

MINNESOTA.

OPEN SEASON.

Elk and deer	Dec. 1 to Dec. 15.
Woodcock	July 4 to Nov. 1.
Prairie chicken, white-breasted or sharp-tailed grouse	Aug. 15 to Oct. 1.
Ruffed grouse	Oct. 1 to Jan. 1.
Aquatic fowls	Sept. 1 to May 15.
Speckled trout	April 1 to Oct. 1.

LOCAL LAWS.

Deer in Stearns County can be taken only from Nov. 15 to Dec. 15. Fish can be taken in Stevens County by hook and line only, and in Lake Ripley by hook and line only from March 1 to June 1. In Loon, Crystal, Lily, Madison and Miles lakes by hook and line only from March 15 to June 1.

MODE OF CAPTURE.

Game birds must be killed only by shooting; speckled,

river, and brook trout must be taken with hook and line. No fish except white fish from any waters in the State except Lake Superior, the Mississippi, Minnesota, and St. Croix rivers can be taken except by hook and line, shooting or spearing.

POSSESSION OF GAME.

Limited to open season. Trespass on inclosed land or standing grain punishable.

TRANSPORTATION OF GAME (except pheasants).

Out of State forbidden.

MISSISSIPPI.

OPEN SEASON.

Deer.....Sept. 15 to Feb. 1.
Wild turkey, ruffed grouse, quail..Oct. 1 to April 1.
Turtle doves, starlings.....Sept. 15 to Feb. 1.

LOCAL LAWS.

Tate County.

Open season for all game.....Nov. 1 to March 1.

Jasper and some other Counties.

Wild turkeys unprotected.

Madison and Jefferson Counties.

Netting and trapping quail and partridge forbidden.

POSSESSION AND TRANSPORTATION OF GAME.

Restricted to open season.

MISSOURI.

OPEN SEASON.

Deer.....Sept. 1 to Jan. 15.
Wild turkeys.....Sept. 15 to March 1.
Pinnated grouse, ruffed grouse, quail.....Oct. 15 to Feb. 1.
Woodcock.....July 1 to Jan. 1.
Turtle dove, meadow lark plover..Aug. 1 to Feb. 1.

REGULATIONS CONCERNING CAPTURE OF GAME.

Taking with traps, nets, pens or pits, pinnated grouse and quail; or disturbing the eggs of wild birds or their nests

(except by owner on his own premises during open season); or poisoning waters; or using explosive substances for the purpose of taking fish; or taking fish by means of seine (except a very small one), net, gill-net, trammel-net, set-net, bag, weir, bush-drag, any fish-net or dam, or any other device or obstruction (unless by owner in waters wholly on his own premises), prohibited.

NON-RESIDENTS.

Are forbidden to hunt or trap deer, fawn, wild turkey, pinnated grouse, ruffed grouse, quail, woodcock, goose, brant, duck or snipe for purpose of marketing or removing same out of State.

Trespass by anyone on inclosed land punishable.

POSSESSION OF GAME.

During close season forbidden.

Insectivorous birds protected.

MONTANA.

OPEN SEASON.

Buffalo, moose, elk, black or white-tailed deer, antelope, mountain sheep, Rocky Mountain goat	Aug. 10 to Feb. 1.
Beaver, otter, marten or fisher	Oct. 1 to April 1.
Grouse, prairie-chicken, fool-hen, pheasant, partridge, or quail.	Aug. 1 to March 1.
Wild geese and ducks	Aug. 10 to May 15.

Quail turned loose for propagation protected until March 12, 1891.

MODE OF CAPTURE.

Hounding deer, elk, moose, or mountain sheep; catching fish with other means than hook and line (except in Missouri River below Three Forks and the Yellowstone River below mouth of Clarke's Fork) and use of explosive or poisonous substances, forbidden.

Game animals can be killed only for food, and their skins cannot be taken out of the Territory.

NEBRASKA.

OPEN SEASON.

Buffalo, elk, deer, antelopes, mountain sheep, turkeys and quail....Oct. 1 to Jan. 1.
Grouse.....Sept. 1 to Jan. 1.
Minks and muskrats.....Feb. 15 to April 15.
Pinnated grouse.....Sept. 1 to Jan. 1.

LOCAL LAWS.

Deer hounding forbidden in Burt, Washington, Douglas, Sarpey, Cass, Saunders and Dodge counties.

MODE OF CAPTURE.

Fishing, except with hook and line, use of other than shoulder guns for wild fowl, forbidden. Trespass on land to kill or take any animal or bird, and catching fish in any private pond not more than ten acres in area, punishable.

POSSESSION OF GAME.

Restricted to open season.

TRANSPORTATION.

Of grouse, quail, turkeys, deer, buffalo, elk, and mountain sheep at any time prohibited.

INSECTIVOROUS BIRDS protected.

NEVADA.

OPEN SEASON.

Partridge, pheasant, woodcock, quail, wild goose, wood duck, teal, mallard, or other ducks, sandhill crane, brant, swan, plover, curlew, snipe, grouse, robin, meadow lark, yellow hammer, bittern.....Sept. 1 to April 1.
Sage-cock, hen, chicken (counties of Humboldt, Elko, Eureka and Lauder excepted).....Aug. 1 to April 1.
Deer, antelope, elk, mountain sheep, goat.....Aug. 1 to Sept. 1.

River, lake, brook or salmon trout..June 1 to Jan. 1.

But between April 20 and October 1 cannot be taken for purpose of sale.

LOCAL LAWS AND SEASONS.

Humboldt, Elko, Eureka, and Lauder Counties.

Sharp-tailed grouse.....Sept. 1 to March 15.

Sage-cock, hen and chicken.....Aug. 10 to March 15.

MODE OF CAPTURE.

Trapping or netting quail; catching any fish otherwise than with hook and line (except for scientific purposes), prohibited.

POSSESSION OF GAME.

During close of season prohibited.

INSECTIVOROUS BIRDS PROTECTED.

NEW HAMPSHIRE.

OPEN SEASON.

Deer, moose, caribou.....Sept. 1 to Dec. 1.

Mink, beaver, sable, otter or fisher..Oct. 15 to April 1.

Raccoon, gray squirrel.....Sept. 1 to Jan. 1.

Hares, rabbits, muskrats.....Sept. 1 to April 1.

Plover, yellow-leg, sandpiper, woodcock, duck, rail.....Aug. 1 to Feb. 1.

Ruffed grouse, partridge, quail. ...Sept. 1 to Feb. 1.

Land-locked salmon, lake trout, brook or speckled trout.....April 30 to Sept. 30.

But during January, February and March, lake trout may be taken with single hook and line only.

Pike-perch or white perch.....July 1 to May 1.

Black bass.....June 15 to April 30.

Muscalonge, pickerel, pike or grayling.....June 1 to April 1.

LOCAL LAWS AND SEASONS.

Taking of any fish from the Pemigewasset River near the State hatching-house in Holderness anywhere between the abutments of the upper dam of Livermore Falls in Compton and extending one half mile below the same, prohibited.

REGULATIONS CONCERNING THE CAPTURE OF GAME.

Taking of grouse, partridge, quail, with trap or snare; of salmon trout, lake trout, land-locked or fresh water salmon, grayling, bass, pike, pike perch, white perch,

pickerel, muscalonge, in any manner other than by ordinary way of angling with single hook and line with bait, artificial fly or spoon; of any fish from ponds or streams used for breeding purposes, or poisoning the waters thereof, or placing therein without permission of owner or lessee any fish, or the roe, spawn or fry of the same; of white fish, black bass, land-locked salmon, grayling, pike, perch, or any other variety of fish from any of the waters of the State, and which have been placed or introduced therein by the fish commissioners, for five years after the same have been so placed therein; of brook or speckled trout less than five inches, and of striped bass less than fifteen inches in length, prohibited.

NON-RESIDENTS.

Forbidden to take by seine or net any herring, hardheads or mackerel from the waters of the State for the purpose of salting or barreling the same.

POSSESSION OF GAME.

During close season prohibited.

POSTED GROUNDS.

Any person, corporation, or company, owning or occupying land, may forbid the destruction of birds on the same, at any season of the year, by posting a written or printed notice to that effect, in two public places in the town, and also on the lands; and any person taking or destroying birds on such land, in defiance of said prohibition, shall be subject to a penalty, for the use of the owner or occupier of such land, of $1 for each bird destroyed.

INSECTIVOROUS BIRDS protected.

NEW JERSEY.

OPEN SEASON.

Woodcock	July 2 to Aug. 1. Oct. 1 to Dec. 16.
Quail and rabbits	Nov. 1 to Dec. 31.
Deer	Oct. 15 to Dec. 1.
Gray and red squirrel and summer duck	Sept. 1 to Nov. 1.
Upland or grass plover	Aug. 1 to Jan. 1.
Rail	Sept. 1 to Dec. 1.

Reed birds, marsh hens.....Aug. 25 to Dec. 1.
Trout.....March 1 to Oct. 1.
Black bass, Oswego bass..... June 1 to Nov. 1.

European pheasant, partridge, and grouse protected until November, 1889.

LOCAL LAWS AND SEASONS.

In Barnegat Bay and its tidewater tributaries north of line from Good Luck Point to Bond House.

Ducks, geese, brant .....Oct. 15 to May 1.

Night shooting, sailing for wild fowl, or shooting from boats staked on said water, forbidden.

In Mosquito Cove and its inlets ducks and brant can be shot only between sunrise and sunset on Mondays, Wednesdays and Fridays, from Sept. 1 to May 1.

MODE OF CAPTURE.

Shoulder guns only to be used; trapping deer, hares, rabbits, squirrels, quail, pheasants, woodcock, rail, reed bird, prairie chicken, plover, or ducks; shooting within quarter of a mile of wild pigeon nest; catching trout or black bass, except with hook and line; using deleterious substances in fishing, forbidden.

NON-RESIDENTS.

Must obtain a license from the Game Protection Society if there be one whose jurisdiction covers the county wherein they intend to hunt (except for wild fowl), or to fish for trout, black bass or salmon.

POSTED GROUNDS.

Any person trespassing on any lands for the purpose of taking fish from any private pond, stream or spring, after public notice on the part of the owner or occupant thereof, such notice being posted adjacent to such pond, stream, or spring, shall be deemed guilty of trespass, and in addition to the damages recoverable by law, shall be liable to the owner, lessee, or occupant in a penalty of $100 for every such offense.

POSSESSION OF GAME.

It is restricted to the open season, except quail and pheasants, which if lawfully killed may be retained five days after season closes.

TRANSPORTATION OF GAME.

In close season forbidden unless it had been killed in open season of another State.

INSECTIVOROUS BIRDS, except English sparrows, protected.

NEW MEXICO.

OPEN SEASON.

Elk, buffalo, deer, antelope, mountain sheep, wild turkey, grouse, quail.....Sept. 1 to May 1.
Trout.....May 1 to Dec. 1.

MODE OF CAPTURE,

Trout can be taken only by hook and line. No fish can be taken by poisonous substances.

Taking fish from a private lake, pond, or stream used for propagation of fish, without owner's consent, punishable.

POSSESSION OF GAME.

Limited to open season unless it is brought from another State. Game may also be killed for subsistence by travellers and others in camp.

NEW YORK.

OPEN SEASON.

Deer.....Aug. 15 to Nov. 1.
Fawns absolutely protected.
Deer in Suffolk and Queens Counties protected till 1891.
Wild duck and brant.....Sept. 1 to May 1.
In waters of Long Island.....Oct. 1 to May 1.
Quail.....Nov. 1 to Jan. 1.
Hares and rabbits.....Nov. 1 to Jan. 1.
Woodcock.....Aug. 1 to Dec. 1.
Ruffed and pinnated grouse, black and gray squirrel.....Aug. 1 to Dec. 1.
Robin, meadow lark.....Oct. 1 to Jan. 1.
Speckled, brook, salmon, and California trout and land-locked salmon.....May 1 to Sept. 1.
In Queens and Suffolk Counties, and in Spring Creek, in Livingston and Monroe Counties .....April 1 to Sept. 1.
Black bass, Oswego bass, muscalonge.....June 1 to Oct. 1.

In the St. Lawrence, Clyde, Seneca and Oswego Rivers, Lakes Erie, Ontario and Conesus, and Niagara River above Niagara Falls.....Jan. 1 to May 20.
Black bass in waters of Lake Mahopac, or of Columbia County, Schroon Lake and River, Paradox Lake, Friend's Lake.....July 1 to Jan. 1.
In Lake George and Brant Lake..July 20 to Jan. 1.
Bullheads, or other fish, in Lake George and its inlets.....July 1 to April 1.
Pickerel in Lake George.....June 15 to Feb. 15.

LOCAL LAWS AND SEASONS.

Queens and Suffolk Counties.
Ruffed grouse.....Nov. 1 to Jan. 1.
Plover, bay snipe, shore birds.....July 10 to Jan. 1.
Rail and meadow hen.....Sept. 1 to Jan. 1.
Trout and land-locked salmon.....April 1 to Sept. 1.

Rockland County.
Woodcock.....Aug. 1 to Jan. 1.
Partridge.....Oct. 1 to Jan. 1.
Quail, rabbit.....Nov. 1 to Jan. 1.
Robin, meadow lark, starling, squirrel.....Sept. 1 to Jan. 1.
Trapping quail and partridge forbidden.

Oneida and Herkimer Counties.
Woodcock.....Sept. 1 to Jan. 1.

Adirondack Preserve.
Speckled, brook and California trout.....May 1 to Sept. 15.
Salmon trout, land-locked salmon..May 1 to Oct. 1.

St. Lawrence and Delaware Counties.
Hounding deer prohibited.

Henderson Bay and Lake Ontario within one mile from the shore, between the most westerly point of Pillar Point and the boundary lines between the Counties of Jefferson and Oswego, or within one mile of Long Island in Lake Ontario, which is part of Jefferson County, except Grenadier and Fox Islands, and in waters of Jefferson County, fishing (except for minnows for bait) otherwise than by rod or hand-line, prohibited.

Chautauqua County.
Wild goose, duck, brant, teal, coot, dipper, grebe.....Sept. 1 to Feb. 1.

NON-RESIDENTS.

In Richmond County, must obtain license from a justice of the peace. In Rockland County, non-residents cannot sell or buy game.

REGULATIONS CONCERNING CAPTURE OF GAME.

Sunday shooting, crusting, and killing deer in deer yards; night shooting; use of nets or guns other than shoulder guns; sailing for wild fowl, except in Long Island Sound, Lake Ontario, and the Hudson River below Iona Island; use of floating batteries, decoys, or bough-houses more than 20 rods from the shore, except in Shinnecock and Peconic Bay and Great South Bay west of Smith's Point, Lake Ontario, the St. Lawrence, and the Hudson below Albany; catching fish by drawing or shutting off water, and taking trout less than six inches long, or black or striped bass less than half a pound in weight, or eight inches long from snout to caudal fin, and molesting fish on spawning-beds, except in Lake Ontario, are prohibited.

POSSESSION OF GAME.

Hares, rabbits, woodcock, partridge, prairie-chickens, black and gray squirrel may be possessed until January 1; quail till February 1; venison, till December 15, if killed in the open season.

No person shall kill or take more than three deer in one season.

Trout taken in Queens and Suffolk Counties in April may be possessed but not sold elsewhere in the State.

TRANSPORTATION OF GAME.

Game killed in Rockland County cannot be carried out of it.

Speckled salmon and California trout caught in the Forest Preserve can be taken thence between May 1 and September 1, and salmon-trout or land-locked salmon between May 1 and October 1, if accompanied by their owner.

POSTED GROUNDS.

Regulations therefor, Laws of 1879, ch. 534; 1880, ch. 531; 1885, ch. 243.

Sec. 16. Any person who shall knowingly trespass upon inclosed or cultivated lands for the purpose of shooting or hunting any game protected by this act, or shall take any fish from private ponds or private streams not stocked in whole or in part by the State, or after public notice has been given by the owner or occupant thereof, or

person, association, or corporation hiring or leasing the exclusive right to shoot or hunt thereon or fish therein from the owner or occupant, as provided in the following section, shall be liable to such owner or occupant, or person, association, or corporation, in addition to the actual damages sustained, [in] exemplary damages to an amount not exceeding $25 nor less than $15.

Sec. 17. The notice referred to in the preceding section shall be given by erecting and maintaining sign boards, at least one foot square, upon at least every fifty acres of land upon or near the lot lines thereof, or upon or near the shores or banks of any lake, stream, or pond, in at least two conspicuous places on premises; or by the personal service upon any person of a written or printed notice containing a brief description of the premises, the name of the owner or person in possession thereof, and such notice to have appended thereto the name of the owner or occupant, or person, association, or corporation having the exclusive right to shoot or hunt thereon or fish therein. Any person who shall tear down or in any way deface or injure any such sign board is liable to a penalty of $25.

INSECTIVOROUS BIRDS.

Protected except as above stated.

NORTH CAROLINA.

OPEN SEASON.

Deer.....Aug. 15 to to Feb. 15.

In Clay, Cherokee, Mason, Jackson, Haywood, Transylvania, Stokes, Forsyth, Surry, Yadkin, Cravin, Green and Rockingham Counties.

Partridge, quail, doves, robins, mocking birds, larks, wild turkeys.....Oct. 15 to April 1.

In Currituck County.

Partridge and quail.....Dec. 1. to April 1.

New Hanover County.

Partridge, quail, marsh hens, woodcock, snipe, doves, curlew.....Oct. 15 to April 1.

Trout, in counties west of Blue Ridge.....Dec. 30 to Oct. 15.

In Clay, Cherokee, Jackson, Swain, Macon, Graham, Transylvania and Henderson Counties, game birds not protected.

Wild fowl, in Currituck County...Nov. 10 to March 10.

MODE OF CAPTURE.

Shoulder gun only to be used for wild fowl, except in Pamlico, Dare, Carteret, Johnstone, Tyrrell, Onslow, and Columbus Counties. Fire hunting and night shooting prohibited. Sunday shooting of wild fowl in Currituck and Dare Counties prohibited. Shooting wild fowl from floating battery forbidden in Carteret County.

NON-RESIDENTS.

It is unlawful for any non-resident of this State to use or build any blinds, boxes, batteries, or use any wood-decoys (ducks or geese), or live ducks or geese for decoys, in any of the waters of Currituck, Dare, or Hyde Counties for the purpose of killing wild fowl; but nothing herein is applicable to such non-residents who resort to the waters of Currituck Sound and the waters of Carteret County for the purpose of shooting game as sportsmen, and who shoot over or on land or marshes owned or leased by them, and who do not kill game for a foreign market; neither does it limit, abridge, or impair the rights or privileges of any *bona fide* owner or lessee of marshes or lands in the counties of Currituck, Dare, or Carteret, or of such persons as shall obtain the consent or permission of such owner or lessees to occupy their grounds for gaming purposes, whether actual residents of the State or otherwise. Any person violating any of the foregoing provisions is guilty of a misdemeanor, and liable to a fine not exceeding $100, or imprisonment not less than thirty days.

It is unlawful for any non-resident of the State to shoot any wild fowl in the waters of Currituck and Dare Counties from any blind, box, battery, or float of any kind which is not on land at the time. Any person violating this act is liable to a penalty of not more than $50, or imprisonment not exceeding thirty days.—Chap. 52, laws of 1883.

POSTED GROUNDS.

Any person hunting with gun or dog on the lands of another, without leave from the owner, is liable to said owner in a penalty of $10 for each offence; but no such recovery can be had unless the owner of the land, by ad-

vertisement posted up in two or more public places, has forbidden the person so hunting, by name or all persons generally, to hunt on his land.

OHIO.

OPEN SEASON.

Muskrat, mink, otter	March 1 to April 15.
Quail, prairie chicken	Nov. 1 to 30, each inclusive.
Wild turkeys	Nov. 1 to Jan. 1.
Ruffed grouse, pheasant, blue-winged teal	Sept. 1 to Dec. 31.
Mallard, woodduck, or any other wild duck	Sept. 1 to May 31.
Woodcock	July 4 to Dec. 31.
Deer	Oct. 15 to Nov. 20.
Brook trout, salmon, land-locked salmon, Calfornia trout, salmon	March 15 to Dec. 14.

REGULATIONS CONCERNING THE CAPTURE OF GAME.

Trapping or snaring of quail or Virginia partridge; killing wild fowl by aid of swivel or punt gun, or any other gun than a common shoulder gun, or by aid of artificial light, or sink-boat, or battery; taking any fish, except minnows, otherwise than by hook and line from any of the waters of the State except in private fishing waters, Lake Erie, Mercer and Siking County reservoirs, or waters of Lake Erie west of Ann Point, between June 1 and October 1, and east of Ann Point between June 10 and October 10; in Mercer County reservoir with trammel or picket net; shooting at wild pigeons within one half mile of nesting grounds or taking or destroying their eggs; use of ferret for catching rabbits, prohibited. Whoever discharges any firearms on any lawn, park, or pleasure-ground, directly appurtenant to or within gun-shot of any occupied dwelling house, the property of another, or any charitable institution, shall be fined not more than $20 nor less than $5, or imprisonment not more than thirty days, or both.

POSSESSION OF GAME.

During close season prohibited.

INSECTIVOROUS BIRDS protected.

OREGON.

OPEN SEASON.

Male deer.....July 1 to Nov. 1.
Female deer protected till October, 1886.
Spotted fawn absolutely protected. No male or female deer shall be killed except for food.
Elk, moose, and mountain sheep...Aug. 1 to Jan 1.
Killing them for their skins or hams forbidden.
Swan and duck.....Sept. 1 to April 1.
Prairie chicken and sage hen.....June 15 to April 1.
Grouse, pheasant, quail.....July 15 to Jan. 1.
Brook trout.....April 1 to Nov. 1.

MODE OF CAPTURE.

Trapping game birds; catching trout except with hook and line, forbidden.

POSSESSION OF GAME.

Limited to open season.

PENNSYLVANIA.

OPEN SEASON.

Elk, deer.....Oct. 1 to Dec. 16.
Black, gray, fox squirrel.....Sept. 1 to Jan. 1.
Hare, rabbit.....Nov. 1 to Jan. 1.
Wild turkey.....Oct. 15 to Jan. 1.
Wild fowl.....Sept. 1 to May 15.
Upland or grass plover.....July 15 to Jan. 1.
Woodcock.....July 4 to Jan. 1.
Quail.....Oct. 15 to Jan. 1.
Ruffed grouse, pinnated grouse....Oct. 1 to Jan. 1.
Rail, reed birds.....Sept. 1 to Dec. 1.
Sea salmon, speckled trout.....April 1 to Aug. 1.
Lake trout.....Jan. 1 to Oct. 1.
Black, green, yellow, willow, rock, Lake Erie or grass bass, pike, pickerel, wall-eyed pike.....June 1 to Jan. 1.

LOCAL LAWS.

Pike County.

Deer.....Oct. 1 to Dec. 1.
Gray or black squirrel.....Sept. 1 to Dec. 15.
Wood or summer duck.....Oct. 1 to Jan. 1.
Woodcock.....July 4 to Dec. 15.
Quail.....Oct. 15 to Dec. 1.
Ruffed grouse .....Sept. 15 to Dec. 1.
Salmon or speckled trout.....May 1 to Aug. 1.
Pike or pickerel.....June 1 to Feb. 15.

Presque Isle Bay and adjacent waters.

Web-footed wild fowl.....Sept. 1 to May 1.
Sailing for wild fowl forbidden.

MODE OF CAPTURE.

Sunday hunting; hounding deer, killing deer in the water if driven there by dogs; use of ferrets; of guns other than shoulder guns; of nets and traps for game and wild fowl; night hunting for ruffed and pinnated grouse; use of nets to catch trout, bass or pickerel; shutting off water; use of explosive, etc., substances; taking trout less than five inches long, are forbidden.

NON-RESIDENTS.

Cannot trap or net wild pigeons without license from County Treasurer.

POSSESSION OF GAME.

Elk, deer, antelope.....Oct. 15 to Nov. 30.

Pinnated or ruffed grouse, quail and woodcock, fifteen days after season closes. In Pike County game lawfully killed may be held after season closes.

Posting of streams and waters used for the propagation of fish is permitted, and any person trespassing on any lands for the purpose of taking fish from any private pond, stream, or spring, after public notice by the owner or lessee thereof, such notice being posted adjacent to such pond, stream, or spring, shall be guilty of trespass, and in addition to any damages recoverable by law, shall be liable to the owner, lessee, or occupant in a penalty of $100 for each offense.

RHODE ISLAND.

OPEN SEASON.

Woodcock.....July 1 to Jan. 1.
Ruffed grouse, robin, lark, wood-duck, black duck, gray duck....Sept. 1 to Feb. 1.
Rabbits, hares, gray squirrels.....Sept. 1 to Jan. 1.
Grouse, heath hens..... .....Nov. 1 to Jan. 1.
Quail.....Oct. 15 to Jan. 1.
Swallow or box martin..... ...Oct. 1 to May 1.
Grass plover.....Aug. 1 to May 1.
Dusky or black duck, summer duck, blue or green-winged teal.....Sept. 1 to March 1.
Wild pigeons (netted or trapped)....Aug. 10 to Jan. 1.
Trout.....March 1 to Aug. 15.
Black bass (except in Sneach Pond).July 15 to March 1.

MODE OF CAPTURE.

Trapping quail and partridges; hunting rabbits with ferrets or weasels; using punt, battery, swivel, or pivot guns for wild fowl; fishing in stream or fresh pond except on one's own land otherwise than with hook and line; catching black bass except with hook and line, forbidden. Trespass punishable.

Shooting at or killing any bird between Feb. 1 to Sept. 1, except on one's own land, punishable by fine.

INSECTIVOROUS BIRDS can be killed only on one's own land.

SOUTH CAROLINA.

OPEN SEASON.

Deer.....Aug. 1 to Feb. 1.
Wild turkey, partridge, dove, woodcock, pheasant.....Oct. 1 to March 15.
Fishing in Black River.....Aug. 15 to June 1.

MODE OF CAPTURE.

Fire hunting prohibited; trespass punishable.

NON-RESIDENTS.

All persons who have not lived a year in the State forbidden to hunt and fish, but any landowner may authorize hunting or fishing on his own land.

TENNESSEE.

OPEN SEASON.

Applicable to Henry, Dyer, Giles, Maury, Davidson, Madison, Hamilton, Bedford, and Wilson Counties.
Deer.....Sept. 1 to March 1.
Pheasant, grouse, quail, partridge, woodcock, lark, and snipe.....Sept. 15 to March 1.
Wild turkey.....Sept. 15 to May 1.

Montgomery and Cheatham Counties.
Insectivorous birds, partridge, quail, grouse, pheasant, lark...Oct. 15 to March 1.
Woodcock, dove, wild turkey....Aug. 1 to March 1.
Snipe, plover, duck.....Sept. 1 to May 1.

Robertson, Davidson, Maury, Lincoln, and Shelby Counties.
Deer, wild turkey, partridge, quail, grouse, pheasant, woodcock, snipe, lark, and insectivorous birds.....Sept. 1 to Feb. 1.

Rutherford, Fayette, and Tipton Counties.
Quail and partridge.....Oct. 1 to April 1.

NON-RESIDENTS.

Cumberland, Fentrass, Morgan, Scott, Campbell, Overton, Putnam, White, Roane, Rhea, Bledsoe, and Van Buren Counties. No persons except citizens of said counties permitted to hunt game therein for profit. Residents of Obion and Lake Counties are alone permitted to fish in or hunt on Reelfoot Lake for profit.

Lake County.

Deer and insectivorous birds.....Sept. 1 to Feb. 1.
Wild turkey hen. .....Oct. 1 to March 1.
Wild turkey.....Sept. 1 to May 1.
Quail.....Sept. 1 to April 15.

Destroying the eggs of any of the birds above mentioned and trapping and netting of quail and wild turkey, prohibited.

REGULATIONS CONCERNING THE CAPTURE OF GAME.

Taking of fish, otherwise than by hook and line, in the counties of Robertson, Montgomery, Maury, Gibson, Madison, Stuart, Loudon, Monroe, Henry, Crockett, Dickson, Houston, Cheatham, Davidson, Rutherford, Williamson, Shelby, Fayette, Tipton, and Carroll, prohibited. But this does not apply to the Cumberland, Tennessee, and Big Hatchie rivers.

POSTED GROUNDS.

It shall be unlawful for any person in this State to hunt, trap, or net game of any kind, or birds, or destroy the nests thereof on the land of another, except by express permission of the owner or agent thereof, where such owner, by himself or agent, shall have posted notices in one or more conspicuous places on the north, south, east, and west boundaries of his or their lands, which notices shall be painted or printed on boards or planks, securely nailed to trees or posts; and any persons violating the provisions of this section, either by hunting or killing game or birds, or trapping, or netting, or destroying the nests of the same, or shall deface, or knock, or pull down said notices, or any of them, shall, for each offense, be fined not less than $2.50 nor more than $5.

TEXAS.

OPEN SEASON.

Wild deer.....June 1 to Dec. 1.
Prairie chicken.....Aug. 1 to March 1.
Quail, partridge.....Sept. 1 to March 1.
Wild turkey.....Sept. 1 to May 1.
Netting of partridge prohibited.

Fishing at all times with nets, seines, or traps, and by use of explosive or deleterious substances, prohibited.

The following counties are exempted from all the provisions of the above act except such as relate to the capture of fish, viz.:

Nacogdoches, Hood, Bosque, Somerville, Lampassas, Sabine, San Augustine, Shelby, Titus, Franklin, Delta, Red River, Hunt, Henderson, Rains, Wood, Coryall, Hamilton, Brown, Coleman, Runnels, Johnson, Cooke, Morris, Rusk, Panola, Grayson, Leon, Wise, Montague, Clay, Parker, Tarrant, Jack, and unorganized counties attached to the same for judicial purposes; Ellis, Anderson, Tom Green, Hill, Freestone, Cherokee, Bowie, Stephens, Easland, Erath, Comanche, Polo Pinto, Madison, Austin, Hopkins, Throckmorton, Shackleford, Callahan, Taylor, Jones, Nolan, Mitchell, Haskell, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Howard, Martin, Andrews, Archer, Wichita, Baylor, Wheeler, Oldham, Knox, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Wilbarger, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Greer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Gray, Carson, Potter, Hutchinson, Hartley, Moore, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Hardeman, Dallan, Smith, Upshur, Cass, El Paso, Presido, Pecus, Polk, San Jacinto, Camp, Frio, Dimmit, Maverick, Kinney, Cameron, and unorganized county of Zavalia. The following counties are exempted from the provisions of the act relating to the killing of game, insectivorous and game birds, and the taking of fish by the placing of lime, poisonous,

or other deleterious substances in the water, viz., Fort Bend, Grimes, Angelina, Van Zandt, Walker, Trinity, Barker, Jack, and Young.

Houston County protects quail and fish.

Lamar, Fannin, and Hopkins Counties protect all but deer and wild turkeys.

Lee County protects all but deer and insectivorous birds.

Bastrop and Brazoria Counties protect all but insectivorous birds.

Dallas and Kaufman Counties protect all but quail and insectivorous birds.

Marion County protects fish only.

Gonzales County protects fish and insectivorous birds.

Rockwell County protects all except fish by use of poisonous substances, etc., and pinnated grouse (prairie chickens).

UTAH.

OPEN SEASON.

Elk, deer, mountain sheep, antelope.Sept. 1 to Dec. 1.
Beaver and otter.....April 1 to Nov. 1.
Quail, partridge, grouse.....Aug. 1 to March 15.
Imported quail and other birds protected until March, 1887.

MODE OF CAPTURE.

Night hunting for ducks; catching fish by poison or by other means than hook and line (except in Green River, Bear and Utah Lakes), prohibited.

Possession limited to open season.

VERMONT.

Deer protected till November, 1890.
Mink, beaver, fisher, otter.....Nov. 1 to April 1.
Woodcock.....Aug. 15 to Feb. 15.
Quail, woodduck, partridge.....Sept. 1 to Feb. 1.
Wild geese and ducks.....Sept. 1 to May 1.
Trout, land-locked salmon, salmon trout.....Sept. 1 to May 1.
Black bass, wall-eyed pike, pike, perch.....June 15 to Feb. 1.
Whitefish or lake shad, any time except Nov. 1 to 16.

In Lake Champlain and its inlets for ten miles from mouth, fishing with hook and line allowed at any time.

Person engaged in artificial raising of fish may take them in his own waters when and how he pleases, but must not sell them for food in close season.

MODE OF CAPTURE.

Use of explosive or deleterious substances to catch fish; use of nets or traps to catch trout, salmon, or bass; taking black bass less than ten inches long, forbidden.

LOCAL RESTRICTIONS.

Affect fishing in Perch, Royal Tuells, Ludlow, and Plymouth ponds, Rhines Cove and Lake Bomoseen.

POSSESSION OF GAME.

Restricted to open season.

TRANSPORTATION OF GAME.

For sale out of State, forbidden.

POSTED GROUNDS are provided for by the revised laws.

"When the owner of any inclosed land conspicuously posts on the same a notice that shooting, trapping, or fishing thereon is prohibited, if a person thereafter wilfully enters upon such land without the permission of the owner, for the purpose of shooting, trapping, or fishing, the owner may recover against such person, in an action of trespass, for such entry, a penalty of $10, in addition to the damage thereby sustained.—§ 3898. The notice mentioned in the preceding section shall be given by erecting and maintaining signboards not less than two feet long by one foot

wide, in at least two conspicuous places on the premises, which notice shall have appended thereto the name of the owner or occupant. A person who breaks down, defaces, or injures such signboard shall be fined $10.—"§ 3899.

INSECTIVOROUS BIRDS, except woodpecker and English sparrow, protected.

VIRGINIA.

OPEN SEASON.

West of Blue Ridge Mountains.

Pheasants, wild turkeys.....Sept. 1 to Feb. 1.
Partridges.....Oct. 15 to Jan. 1.

Elsewhere in the State.

Partridges, pheasants, wild turkeys.Oct. 15 to Jan. 15.
Deer.....Oct. 15 to Jan. 1.

Applying to whole State.

Woodcock.....July 1 to Feb. 1.
Robin.....Nov. 1 to April 1.
Wild water fowls, except wood or summer duck and sora.....Sept. 1 to May 1.
Marsh hen—killing, or taking its eggs later in the season than June 20, prohibited.
Willet.....Jan. 1 to July 20.
Gull or striker.....Sept. 1 to Jan. 1, and its eggs Jan. 1 to July 1.
Mountain trout .....April 1 to Dec. 15.
Black bass, pond bass.....July 1 to May 15.

LOCAL LAWS AND SEASONS.

Mecklenburg County.

Partridge, quail, wild turkeys.....Oct. 15 to Jan. 1.
Deer.....Aug. 1 to Jan. 1.

Allegheny, Bath, and Highland Counties.

Deer.....Aug. 15 to Dec. 25.

Alexandria, Fairfax Counties.

Sora or ortolan, red bird, black bird.....Sept. 1 to Jan. 1.
Hare, rabbit .....Sept. 1 to Jan. 15.

Frederick County.

Deer protected until January 18, 1888, and fishing in the waters thereof otherwise than by hook and line until February 12, 1888, prohibited.

Wythe and Bland Counties.

Deer protected.

Brunswick, Dinwiddie, Chesterfield, Henrico, Hanover, Caroline, King George, Westmoreland, Northumberland, Richmond, Lancaster, Essex, Middlesex, King and Queen, Gloucester, Matthews, King William, New Kent, James City, York, Elizabeth City, Warwick, Charles City, Prince George, Surry, Nottoway, Lunenburgh, Isle of Wright, Sussex, Southampton, Greensville, Nansemond, Norfolk, Princess Anne, Accomac, Northampton.

Partridge and quail..... Nov. 1 to Feb. 1.

Rockbridge County.

Partridges..... .....Oct. 15 to Jan. 15.

MODE OF CAPTURE.

Netting or trapping of pheasants, wild turkeys, partridges, and all wild water fowl, except wood duck and sora; also taking mountain trout otherwise than by hook and line; shooting or spearing black bass or pond bass (except in counties of Floyd, Grayson, and Carroll, and all waters emptying into Tennessee and Kentucky, and such parts of streams emptying into North Carolina as are below the Blue Ridge); also netting or trapping quail in Mecklenburg County, prohibited.

POSSESSION OF GAME.

During close season prohibited.

NON-RESIDENTS.

Are forbidden to fish in Chesapeake Bay.

INSECTIVOROUS BIRDS protected.

WASHINGTON TERRITORY.

OPEN SEASON.

Deer, elk, moose.....Aug. 15 to Jan. 1.
Mountain sheep, prairie chicken, sage hen, swans, wild ducks.....Aug. 15 to April 15.
Grouse, pheasant, partridge.....Aug. 1 to Jan. 1.
Brook trout.....April 1 to Nov. 1.
Quail, in counties east of Cascade Mountains, protected until 1887.

MODE OF CAPTURE.

Hounding deer in Thurston, Cowlitz, Whatcome Island and Lewis Counties; taking mountain brook or bull trout, except with hook and line; duck shooting between 8 P.M. and 5 A.M.; use of sink boats, battery, swivel or punt gun, forbidden.

POSSESSION OF GAME.

Limited to open season. Deer must not be killed, except for food or to protect a man's crops; killing elk, moose, or mountain sheep for their skins, hams, or cutlets, forbidden.

WEST VIRGINIA.

OPEN SEASON.

Deer.....Sept. 1 to Jan. 15.
Quail.....Oct. 15 to Jan. 1.
Wild turkey, ruffed and pinnated grouse.....Sept. 1. to Feb. 1.
Wild ducks, geese and brant.....Nov. 1 to April 1.
Jack salmon, white salmon.....June 15 to May 1.
Brook trout, land-locked salmon...Jan. 1 to Sept. 1.

MODE OF CAPTURE.

Fish can be caught only by hook and line from March 1 to November 1.

Explosive and poisonous substances in fishing; snaring quail; use of any but shoulder gun for wild fowl; shooting within gun shot of occupied house, are forbidden. Trespass on enclosed grounds punishable.

POSSESSION OF GAME.

Restricted to open season.

INSECTIVOROUS BIRDS protected.

WISCONSIN.

OPEN SEASON.

Deer.....Oct. 1 to Dec. 1.
Otter, mink, martin, muskrat, fisher.Nov. 1 to May 1.
Woodcock.....July 10 to Jan. 1.
Quail, partridge, ruffed, pinnated and sharptailed grouse, wood, mallard, and teal ducks.....Aug. 15 to Jan. 1.
Wild pigeons protected within three miles of nesting place.
Brook trout.....April 15 to Aug. 15.
Black bass and wall-eyed pike.....May 1 to Feb. 1.

LOCAL LAWS.

In Greene Lake County it is unlawful to use in wild fowl shooting any cover, blind, or bough-house over eighteen inches high.

MODE OF CAPTURE.

Trapping or netting deer, game birds or wild fowl; using any but shoulder guns; use of float, sneak-boat, sail or steamboat or floating box or any ambush located in open water beyond the natural cover of reeds, etc., in any lake, river, bay or inlet; hounding deer; catching trout except with hook and line, forbidden.

POSSESSION OF GAME.

Limited to open season. Killing deer, except for food, and transporting them out of State, forbidden. Sale of wild brook trout forbidden, except in Ashland, Bayfield, Douglass, Polk, Pierce and Burnett Counties.

WYOMING.

OPEN SEASON.

Deer, elk, moose, mountain sheep and goats, antelope and buffalo..Aug. 1 to Nov. 15.
Ruffed grouse.....Aug. 15 to Oct. 15.
Pinnated, sharptail, and sage grouse and ptarmigan.....July 15 to Nov. 15.
Quail protected until 1887, then....Sept. 1 to Oct. 1.
Not more than fifty of any of above birds may be killed by any one in one day.
Snipe, green-shank tattler, godwit, curlew, and plover..... Aug. 15 to April 1.
Wild fowl..... ....Aug. 15 to May 1.

MODE OF CAPTURE.

Netting and trapping prohibited.